

ESTTA Tracking number: **ESTTA622309**

Filing date: **08/19/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212477
Party	Plaintiff Balance Bar Company
Correspondence Address	R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER STREET , #605 BABYLON, NY 11702 UNITED STATES docket@schroederlawpc.com,gschroeder@schroederlawpc.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	R. Glenn Schroeder
Filer's e-mail	docket@schroederlawpc.com,gschroeder@schroederlawpc.com
Signature	/r. glenn schroeder/
Date	08/19/2014
Attachments	Opposer's_First_Notice_of_Reliance.pdf(1623255 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. 85/751,520
Published for Opposition on March 19, 2013
Trademark: EARTH BALANCE

BALANCE BAR COMPANY,

Opposer,

v.

GFA BRANDS, INC.,

Applicant.

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Opposition No. 91212477

OPPOSER'S FIRST NOTICE OF RELIANCE

Pursuant to Rule 2.122(d) of the Trademark Rules of Practice, Opposer, Balance Bar Company, hereby submits, makes of record in connection with this opposition proceeding, and notifies Applicant of its reliance upon the attached printouts of the registrations cited in Opposer's Notice of Oppositions, obtained from the USPTO's TSDR (Trademark Status and Document Retrieval) system on August 18, 2014.


These registrations are relevant to this proceeding because, among other things, they establish that Opposer is the owner of valid and subsisting prior registrations for marks that are substantially similar to the mark at issue in this proceeding, such prior registrations encompassing identical and/or closely related goods. True and correct copies of the following TSDR records are attached hereto as Exhibits A1-A9:

- Exhibit A1: Registration No. 2,636,101 for the mark BALANCE GOLD for snack bars in Class 30.
- Exhibit A2: Registration No. 2,659,753 for the mark BALANCE BAR for nutritional food supplements in Class 5.
- Exhibit A3: Registration No. 2,745,850 for the mark BALANCE for protein-based, nutrient-dense snack bars in Class 29.
- Exhibit A4: Registration No. 2,999,244 for the mark BALANCE BAR GOLD for protein-based, nutrient-dense snack bars in Class 29.
- Exhibit A5: Registration No. 3,036,771 for the mark BALANCE BAR for protein-based, nutrient-dense snack bars in Class 29.
- Exhibit A6: Registration No. 3,436,917 for the mark BALANCE BARE for protein-based, nutrient-dense snack bars in Class 29; and grain-based food bars also containing fruits and nuts in Class 30.
- Exhibit A7: Registration No. 3,760,265 for the mark BALANCE PURE for protein-based nutrient dense snack bars in Class 29; and cereal based snack bars in Class 30.
- Exhibit A8: Registration No. 3,937,988 for the mark BALANCE for nutritional supplements and dietary food supplements in Class 5; and cereal-based, rice-based, or granola-based snack bars and snack foods in Class 30.
- Exhibit A9: Registration No. 4,062,171 for the mark BALANCE BAR for cereal-derived, rice-based and granola-based snack bars in Class 30.

Respectfully submitted,

BALANCE BAR COMPANY

Dated: 19 August 2014

By: 
R. Glenn Schroeder
Schroeder Law PC
110 Cooper Street #605
Babylon, New York 11702
Telephone: (631) 649-6109
Facsimile: (631) 649-8126
gschroeder@schroederlawpc.com

Attorney for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing OPPOSER'S FIRST NOTICE OF RELIANCE has been served via e-mail and first-class mail this 19th day of August, 2014 upon the following:

Johanna Wilbert, Esq.
Quarles & Brady LLP
411 East Wisconsin Avenue
Milwaukee, WI 53202
johanna.wilbert@quarles.com



R. Glenn Schroeder

EXHIBIT A1

Generated on: This page was generated by TSDR on 2014-08-18 20:32:36 EDT

Mark: BALANCE GOLD

BALANCE GOLD

US Serial Number: 75854595

Application Filing Date: Nov. 20, 1999

US Registration Number: 2636101

Registration Date: Oct. 15, 2002

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Apr. 19, 2013

Publication Date: Nov. 06, 2001

Notice of Allowance Date: Jan. 29, 2002

Mark Information

Mark Literal Elements: BALANCE GOLD

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US 75983213

Registrations:

Parent Of: 75983213

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: SNACK BARS

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 2000

Use in Commerce: Jun. 30, 2000

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: BALANCE BAR COMPANY

Owner Address: 2100 Smithtown Avenue
Legal Dept.
Ronkonkoma, NEW YORK 11779
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lee Grosskreuz Hechtel

Attorney Primary Email lhechtel@nbty.com speysekhman@nbty.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: Lee Grosskreuz Hechtel
2100 Smithtown Avenue
Legal Dept.
Ronkonkoma, NEW YORK 11779
UNITED STATES

Phone: 6312187335

Fax: 6312187341

Correspondent e-mail: lhechtel@nbty.com speysekhman@nbty.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 19, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Apr. 19, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68973
Apr. 19, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68973
Apr. 15, 2013	TEAS SECTION 8 & 9 RECEIVED	
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 14, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 14, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 19, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
Jun. 03, 2008	ASSIGNED TO PARALEGAL	68973
May 21, 2008	TEAS SECTION 8 & 15 RECEIVED	
Oct. 02, 2007	CASE FILE IN TICRS	
Oct. 15, 2002	REGISTERED-PRINCIPAL REGISTER	
Oct. 11, 2002	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 19, 2002	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 02, 2002	ASSIGNED TO EXAMINER	
Apr. 03, 2003	STATEMENT OF USE PROCESSING COMPLETE	
Apr. 09, 2002	USE AMENDMENT FILED	
Apr. 03, 2003	DIVISIONAL PROCESSING COMPLETE	
Apr. 09, 2002	DIVISIONAL REQUEST RECEIVED	
Apr. 03, 2003	EXTENSION 1 GRANTED	
Apr. 09, 2002	EXTENSION 1 FILED	
Apr. 09, 2002	PAPER RECEIVED	
Jan. 29, 2002	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 06, 2001	PUBLISHED FOR OPPOSITION	
Oct. 17, 2001	NOTICE OF PUBLICATION	
Apr. 11, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 30, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 31, 2000	NON-FINAL ACTION MAILED	
Apr. 28, 2000	ASSIGNED TO EXAMINER	65999
Apr. 14, 2000	ASSIGNED TO EXAMINER	73363

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Oct. 15, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Apr. 19, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: BALANCE BAR COMPANY

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4414/0199

Pages: 25

Date Recorded: Nov. 15, 2010

Supporting Documents: [assignment-tm-4414-0199.pdf](#)

Name: BALANCE BAR COMPANY

Assignor

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: DELAWARE

Address: 452 FIFTH AVENUE
14TH FLOOR
NEW YORK, NEW YORK 10018

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4423/0858

Pages: 26

Date Recorded: Dec. 02, 2010

Supporting Documents: [assignment-tm-4423-0858.pdf](#)

Name: BALANCE BAR COMPANY

Assignor

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 281 TRESSER BOULEVARD
4TH FLOOR
STAMFORD, CONNECTICUT 06901

Correspondent

Correspondent Name: JACQUELINE P. SCHEIB

Correspondent Address: 280 TRUMBULL STREET
ROBINSON & COLE LLP
HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456

Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: assignment-tm-4902-0456.pdf

Assignor

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Execution Date: Nov. 14, 2012

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: DELAWARE

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 E. STEVENS AVENUE
SUITE 202
VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Pages: 5

Date Recorded: Nov. 26, 2012

Supporting Documents: assignment-tm-4906-0668.pdf

Assignor

Name: WEBSTER BANK, NATIONAL ASSOCIATION

Execution Date: Nov. 26, 2012

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: DELAWARE

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: SUITE 202
115 E. STEVENS AVENUE
VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: 1633 BROADWAY
NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 11

Type of Proceeding: Opposition

Proceeding Number: 91212477

Filing Date: Sep 14, 2013

Status: Pending

Status Date: Sep 14, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: JOHANNA M WILBERT
QUARLES & BRADY LLP
411 E WISCONSIN AVE, SUITE 2040
MILWAUKEE WI, 53202-4497
UNITED STATES

Correspondent e-mail: tm-dept@quarles.com, johanna.wilbert@quarles.com, david.cross@quarles.com, DRC@quarles.com, marta.levine@quarles.com, andrea.fowler@quarles.com

Associated marks

Mark

Application Status

Serial
Number

Registration
Number

EARTH BALANCE

Opposition Pending

85751520

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET , #605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: doCKET@schroederlawpc.com, gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE PURE	Registered	<u>77734900</u>	<u>3760265</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 14, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 14, 2013	Oct 24, 2013
3	PENDING, INSTITUTED	Sep 14, 2013	
4	ANSWER	Oct 10, 2013	
5	STIPULATED PROTECTIVE ORDER	Feb 18, 2014	
6	TRIAL DATES REMAIN AS SET	Feb 20, 2014	
7	P MOT FOR EXT W/ CONSENT	Apr 15, 2014	
8	EXTENSION OF TIME GRANTED	Apr 16, 2014	
9	CORRECTION TO SCHEDULE	Apr 21, 2014	
10	D EXPERT DISCLOSURES	Apr 22, 2014	
11	P REBUTTAL DISCLOSURES	May 27, 2014	
12	D EXPERT DISCLOSURES	Jun 19, 2014	
13	STIP FOR INTRO OF EVIDENCE	Aug 06, 2014	
14	TRIAL DATES REMAIN AS SET	Aug 14, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91203829

Filing Date: Feb 14, 2012

Status: Terminated

Status Date: Apr 03, 2014

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Doctor pHresh Nutritionals, L.L.C.

Correspondent Address: FARLEY I WEISS AND MARK H WEISS
WEISS MOY PC
4204 N BROWN AVE
SCOTTSDALE AZ , 85251 3914
UNITED STATES

Correspondent e-mail: kmotolenich@weissiplaw.com, gmarinelli@weissiplaw.com, fweiss@weissiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PHRESH BALANCE	Abandoned - After Inter-Partes Decision	<u>85175388</u>	

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER ST 605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: doCKET@schroederlawpc.com, gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE PURE	Registered	<u>77734900</u>	<u>3760265</u>
BALANCE	Fifth Extension - Granted	<u>85099094</u>	
BALANCE BAR	Fifth Extension - Granted	<u>85099118</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 14, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 14, 2012	Mar 25, 2012
3	PENDING, INSTITUTED	Feb 14, 2012	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 16, 2012	
5	EXTENSION OF TIME GRANTED	Mar 16, 2012	
6	STIPULATION FOR AN EXTENSION OF TIME	May 18, 2012	
7	EXTENSION OF TIME GRANTED	May 18, 2012	
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 21, 2012	
9	EXTENSION OF TIME GRANTED	Jul 21, 2012	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2012	
11	EXTENSION OF TIME GRANTED	Aug 15, 2012	
12	STIPULATION FOR AN EXTENSION OF TIME	Oct 12, 2012	
13	EXTENSION OF TIME GRANTED	Oct 12, 2012	
14	STIPULATION FOR AN EXTENSION OF TIME	Dec 14, 2012	
15	EXTENSION OF TIME GRANTED	Dec 14, 2012	
16	NOTICE OF DEFAULT	Apr 08, 2013	
17	D MOT TO SET ASIDE DEFAULT/ACCEPT LATE ANSWER	Apr 23, 2013	
18	PROCEEDINGS RESUMED	May 17, 2013	
19	D MOT FOR EXT W/ CONSENT	Jun 10, 2013	
20	EXTENSION OF TIME GRANTED	Jun 27, 2013	
21	P APPEARANCE / POWER OF ATTORNEY	Aug 12, 2013	
22	P MOT FOR EXT W/ CONSENT	Aug 12, 2013	
23	EXTENSION OF TIME GRANTED	Aug 27, 2013	
24	D MOT FOR EXT W/ CONSENT	Nov 11, 2013	
25	TRIAL DATES REMAIN AS SET	Dec 12, 2013	
26	P RESP TO BD ORDER/INQUIRY	Dec 17, 2013	

27	EXTENSION OF TIME GRANTED	Jan 09, 2014
28	NOTICE OF DEFAULT	Feb 07, 2014
29	BD DECISION: SUSTAINED	Apr 03, 2014
30	TERMINATED	Apr 03, 2014

Type of Proceeding: Opposition

Proceeding Number: 91197149

Filing Date: Oct 25, 2010

Status: Terminated

Status Date: Mar 24, 2011

Interlocutory Attorney: CHERYL A BUTLER

Defendant

Name: Lighterlife UK Limited

Correspondent Address: JEFFREY H GREGER
LOWE HAUPTMAN & BERNER LLP
1700 DIAGONAL RD STE 300
ALEXANDRIA VA , 22314-2866
UNITED STATES

Correspondent e-mail: jhgreger@ipfirm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LIGHTER LIFE LIFE IN BALANCE	Registered	<u>78816226</u>	<u>3953476</u>

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: DAVID I GREENBAUM
EDWARDS ANGELL PALMER & DODGE LLP
PO BOX 130 FDR STATION
NEW YORK NY , 10150-0130
UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 25, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 28, 2010	Dec 07, 2010
3	PENDING, INSTITUTED	Oct 28, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Dec 06, 2010	
5	EXTENSION OF TIME GRANTED	Dec 06, 2010	
6	STIPULATION FOR AN EXTENSION OF TIME	Jan 05, 2011	
7	EXTENSION OF TIME GRANTED	Jan 05, 2011	
8	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Feb 04, 2011	
9	SUSPENDED	Feb 04, 2011	
10	MOTION TO AMEND APPLICATION	Mar 07, 2011	
11	WITHDRAWAL OF OPPOSITION	Mar 07, 2011	
12	BD'S DECISION: DISMISSED W/O PREJUDICE	Mar 24, 2011	
13	TERMINATED	Mar 24, 2011	

Type of Proceeding: Opposition

Proceeding Number: 91196954

Filing Date: Oct 15, 2010

Status: Pending

Status Date: Oct 15, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: DAVID R CROSS
QUARLES BRADY LLP
411 EAST WISCONSIN AVENUE, SUITE 2350
MILWAUKEE WI , 53202 4497
UNITED STATES

Correspondent e-mail: marta.levine@quarles.com , david.cross@quarles.com , tm-dept@quarles.com , johanna.wilbert@quarles.com , andrea.fowler@quarles.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Opposition Pending Plaintiff(s)	<u>77864206</u>	

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET, #605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: doCKET@schroederlawpc.com , gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 15, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 15, 2010	Nov 24, 2010
3	PENDING, INSTITUTED	Oct 15, 2010	
4	ANSWER	Nov 24, 2010	
5	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 23, 2010	
6	SUSPENDED	Dec 23, 2010	
7	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jan 12, 2011	
8	D MOT TO CONSOLIDATE	Jan 28, 2011	
9	CONSOLIDATED - PARENT/TRIAL DATES RESET	Feb 07, 2011	
10	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 18, 2011	
11	SUSPENDED	Mar 02, 2011	
12	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 10, 2011	
13	EXTENSION OF TIME GRANTED	Aug 17, 2011	
14	P CHANGE OF CORRESP ADDRESS	Oct 06, 2011	
15	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 31, 2011	
16	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 31, 2011	
17	SUSPENDED	Nov 15, 2011	
18	APPEARANCE	Nov 17, 2011	
19	BOARD'S ORDER	Nov 26, 2011	
20	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 19, 2011	
21	SUSPENDED	Dec 23, 2011	
22	STIPULATED PROTECTIVE ORDER	Jun 14, 2012	
23	STIPULATION NOTED AND APPROVED	Jul 09, 2012	
24	DF'S DISCLOSURE OF EXPERT PHILIP JOHNSON	Jul 19, 2012	
25	P MOT FOR EXT W/ CONSENT	Jul 27, 2012	

26	EXTENSION OF TIME GRANTED	Aug 08, 2012
27	PLAINTIFF'S MOTION	Aug 17, 2012
28	DECLARATION OF NORMAN J. MATAR	Sep 04, 2012
29	DECLARATION OF DAVID R. CROSS	Sep 04, 2012
30	D'S OPPOSITION/RESPONSE TO MOTION	Sep 04, 2012
31	P'S OPPOSITION/RESPONSE TO MOTION	Sep 17, 2012
32	TRIAL DATES RESET	Oct 16, 2012
33	P DISCLOSURE OF EXPERT JACOB JACOBY	Nov 30, 2012
34	D MOT TO COMPEL DISCOVERY	Jan 07, 2013
35	D MOT TO COMPEL DISCOVERY	Jan 07, 2013
36	D'S DECLARATION OF WILBERT SUPPORT COMPEL	Jan 07, 2013
37	D'S EXHIBIT A TO DECL OF WILBERT	Jan 07, 2013
38	D'S EXHIBIT A OF DECL OF WILBERT	Jan 07, 2013
39	D'S EXHIBIT B OF DECL OF WILBERT	Jan 07, 2013
40	D'S EXHIBIT C OF DECL OF WILBERT	Jan 07, 2013
41	D'S EXHIBIT D OF DECL OF WILBERT	Jan 07, 2013
42	D'S EXHIBIT E OF DECL OF WILBERT	Jan 07, 2013
43	D'S EXHIBIT F OF DECL OF WILBERT	Jan 07, 2013
44	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Jan 14, 2013
45	P MOT FOR EXT W/ CONSENT	Jan 28, 2013
46	EXTENSION OF TIME GRANTED	Jan 30, 2013
47	P MOT FOR EXT W/ CONSENT	Feb 08, 2013
48	EXTENSION OF TIME GRANTED	Feb 14, 2013
49	P MOT FOR EXT W/ CONSENT	Feb 21, 2013
50	EXTENSION OF TIME GRANTED	Feb 26, 2013
51	P OPP/RESP TO MOTION	Mar 28, 2013
52	P DECLARATION OF HECHTEL	Mar 28, 2013
53	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
54	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
55	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
56	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
57	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
58	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
59	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
60	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
61	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
62	PROCEEDINGS RESUMED	Aug 05, 2013
63	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013
64	P MOT FOR EXT W/ CONSENT	Aug 23, 2013
65	EXTENSION OF TIME GRANTED	Aug 29, 2013
66	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
67	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
68	D OPP/RESP TO MOTION	Nov 04, 2013
69	D OPP/RESP TO MOTION	Nov 04, 2013
70	D OPP/RESP TO MOTION	Nov 04, 2013
71	D OPP/RESP TO MOTION	Nov 04, 2013
72	D OPP/RESP TO MOTION	Nov 04, 2013
73	D OPP/RESP TO MOTION	Nov 04, 2013
74	D OPP/RESP TO MOTION	Nov 04, 2013

75	D OPP/RESP TO MOTION	Nov 04, 2013
76	D OPP/RESP TO MOTION	Nov 04, 2013
77	D OPP/RESP TO MOTION	Nov 04, 2013
78	D OPP/RESP TO MOTION	Nov 04, 2013
79	D OPP/RESP TO MOTION	Nov 04, 2013
80	D OPP/RESP TO MOTION	Nov 04, 2013
81	D OPP/RESP TO MOTION	Nov 04, 2013
82	D OPP/RESP TO MOTION	Nov 04, 2013
83	D OPP/RESP TO MOTION	Nov 04, 2013
84	D OPP/RESP TO MOTION	Nov 04, 2013
85	D OPP/RESP TO MOTION	Nov 04, 2013
86	D OPP/RESP TO MOTION	Nov 04, 2013
87	D OPP/RESP TO MOTION	Nov 04, 2013
88	D OPP/RESP TO MOTION	Nov 04, 2013
89	D OPP/RESP TO MOTION	Nov 04, 2013
90	SUSP PEND DISP OF OUTSTNDNG MOT	Nov 06, 2013
91	P REPLY IN SUPPORT OF MOTION	Nov 25, 2013
92	PROCEEDINGS RESUMED	Feb 25, 2014
93	P NOTICE OF RELIANCE	May 27, 2014
94	P NOTICE OF RELIANCE	May 27, 2014
95	P NOTICE OF RELIANCE	May 27, 2014
96	P NOTICE OF RELIANCE	May 27, 2014
97	P NOTICE OF RELIANCE	May 27, 2014
98	P NOTICE OF RELIANCE	May 27, 2014
99	P NOTICE OF RELIANCE	May 27, 2014
100	STIP REGARDING TEST EVIDENCE	Jul 28, 2014
101	D TESTIMONY	Jul 28, 2014
102	D TESTIMONY	Jul 28, 2014
103	D TESTIMONY	Jul 28, 2014
104	D NOTICE OF RELIANCE	Jul 28, 2014
105	D NOTICE OF RELIANCE	Jul 28, 2014
106	D NOTICE OF RELIANCE	Jul 28, 2014
107	D NOTICE OF RELIANCE	Jul 28, 2014
108	D NOTICE OF RELIANCE	Jul 28, 2014
109	D NOTICE OF RELIANCE	Jul 28, 2014
110	D NOTICE OF RELIANCE	Jul 28, 2014
111	D NOTICE OF RELIANCE	Jul 28, 2014
112	D NOTICE OF RELIANCE	Jul 28, 2014

Type of Proceeding: Opposition

Proceeding Number: 91193619

Filing Date: Feb 01, 2010

Status: Terminated

Status Date: Aug 13, 2010

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: Tiens Group Co., Ltd.

Correspondent Address: MICHAEL MAOZ
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 AVENUE OF THE AMERICAS
NEW YORK NY , 10036-2714
UNITED STATES

Correspondent e-mail: klttrademark@kramerlevin.com , mmaoz@kramerlevin.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VITAL BALANCE	Abandoned - After Inter-Partes Decision	77572513	
	Plaintiff(s)		

Name: BALANCE BAR COMPANY

Correspondent Address: DAVID I GREENBAUM
EDWARDS ANGELL PALMER & DODGE LLP
FDR STATION , PO BOX 130
NEW YORK NY , 10150
UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 01, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 01, 2010	Mar 13, 2010
3	PENDING, INSTITUTED	Feb 01, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 12, 2010	
5	EXTENSION OF TIME GRANTED	Mar 15, 2010	
6	STIPULATION FOR AN EXTENSION OF TIME	Apr 12, 2010	
7	EXTENSION OF TIME GRANTED	Apr 12, 2010	
8	STIPULATION FOR AN EXTENSION OF TIME	May 12, 2010	
9	EXTENSION OF TIME GRANTED	May 12, 2010	
10	STIPULATION FOR AN EXTENSION OF TIME	Jun 11, 2010	
11	EXTENSION OF TIME GRANTED	Jun 11, 2010	
12	STIPULATION FOR AN EXTENSION OF TIME	Jul 09, 2010	
13	EXTENSION OF TIME GRANTED	Jul 09, 2010	
14	WITHDRAWAL OF APPLICATION	Aug 09, 2010	
15	WITHDRAWAL OF OPPOSITION	Aug 09, 2010	
16	BD'S DECISION: DISMISSED W/O PREJUDICE	Aug 13, 2010	
17	TERMINATED	Aug 13, 2010	

Type of Proceeding: Opposition

Proceeding Number: 91193620

Filing Date: Feb 01, 2010

Status: Terminated

Status Date: Aug 13, 2010

Interlocutory Attorney: ANN LINNEHAN

Defendant

Name: Tiens Group Co., Ltd.

Correspondent Address: MICHAEL MAOZ
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 AVENUE OF THE AMERICAS
NEW YORK NY , 10036-2714
UNITED STATES

Correspondent e-mail: kltrademark@kramerlevin.com , mmaoz@kramerlevin.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VITAL BALANCE	Abandoned - After Inter-Partes Decision	77572505	
	Plaintiff(s)		

Name: BALANCE BAR COMPANY

Correspondent Address: David I. Greenbaum
Edwards Angell Palmer & Dodge LLP

FDR Station P.O. Box 130
New York NY, 10150
UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 01, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 01, 2010	Mar 13, 2010
3	PENDING, INSTITUTED	Feb 01, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 12, 2010	
5	EXTENSION OF TIME GRANTED	Mar 15, 2010	
6	STIPULATION FOR AN EXTENSION OF TIME	Apr 12, 2010	
7	EXTENSION OF TIME GRANTED	Apr 12, 2010	
8	STIPULATION FOR AN EXTENSION OF TIME	May 12, 2010	
9	EXTENSION OF TIME GRANTED	May 12, 2010	
10	STIPULATION FOR AN EXTENSION OF TIME	Jun 11, 2010	
11	EXTENSION OF TIME GRANTED	Jun 11, 2010	
12	STIPULATION FOR AN EXTENSION OF TIME	Jul 09, 2010	
13	EXTENSION OF TIME GRANTED	Jul 09, 2010	
14	WITHDRAWAL OF APPLICATION	Aug 09, 2010	
15	WITHDRAWAL OF OPPOSITION	Aug 09, 2010	
16	BD'S DECISION: DISMISSED W/O PREJUDICE	Aug 13, 2010	
17	TERMINATED	Aug 13, 2010	

Type of Proceeding: Opposition

Proceeding Number: 91192572

Filing Date: Nov 06, 2009

Status: Terminated

Status Date: Jun 23, 2010

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Mind Mine

Correspondent Address: ERIC M. NIELSEN
SNELL & WILMER L.L.P.
ONE ARIZONA CENTER
PHOENIX AZ, 85004-2202
UNITED STATES

Correspondent e-mail: enielsen@swlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THYRO-BALANCE	Registered	<u>77697640</u>	<u>3823699</u>

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: DAVID I. GREENBAUM
EDWARDS ANGELL PALMER & DODGE LLP
750 LEXINGTON AVENUE
NEW YORK NY, 10022
UNITED STATES

Correspondent e-mail: DGreenbaum@eapdlaw.com, rfraley@swlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE			

BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 06, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 06, 2009	Dec 16, 2009
3	PENDING, INSTITUTED	Nov 06, 2009	
4	CHANGE OF CORRESPONDENCE ADDRESS	Dec 03, 2009	
5	STIPULATION FOR AN EXTENSION OF TIME	Dec 15, 2009	
6	EXTENSION OF TIME GRANTED	Dec 15, 2009	
7	STIPULATION FOR AN EXTENSION OF TIME	Feb 12, 2010	
8	EXTENSION OF TIME GRANTED	Feb 12, 2010	
9	STIPULATION TO REOPEN DISCOVERY	Mar 19, 2010	
10	EXTENSION OF TIME GRANTED	Mar 25, 2010	
11	STIPULATION FOR AN EXTENSION OF TIME	Apr 15, 2010	
12	EXTENSION OF TIME GRANTED	Apr 15, 2010	
13	MOTION TO AMEND APPLICATION	May 11, 2010	
14	RESPONSE DUE 30 DAYS (DUE DATE)	Jun 08, 2010	Jul 08, 2010
15	WITHDRAWAL OF OPPOSITION	Jun 14, 2010	
16	BD'S DECISION: DISMISSED W/O PREJUDICE	Jun 23, 2010	
17	TERMINATED	Jun 23, 2010	

Type of Proceeding: Opposition

Proceeding Number: 91191491

Filing Date: Aug 11, 2009

Status: Terminated

Status Date: Feb 17, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: DSM IP Assets B.V.

Correspondent Address: Duane M. Byers
Nixon & Vanderhye P.C.
901 North Glebe Road, Suite 1100
Arlington VA , 22203
UNITED STATES

Correspondent e-mail: nixonptomail@nixonvan.com , dmb@nixonvan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PEP2BALANCE	IR CANCELLED; US APPLICATION ABANDONED	<u>79053062</u>	

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: David I. Greenbaum
Edwards Angell Palmer & Dodge LLP
FDR Station P.O. Box 130
New York NY , 10150
UNITED STATES

Correspondent e-mail: trademark@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>

BALANCE GOLD

Renewed

75854595

2636101

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 11, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 13, 2009	Sep 22, 2009
3	PENDING, INSTITUTED	Aug 13, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Sep 11, 2009	
5	EXTENSION OF TIME GRANTED	Sep 11, 2009	
6	STIPULATION FOR AN EXTENSION OF TIME	Oct 15, 2009	
7	EXTENSION OF TIME GRANTED	Oct 15, 2009	
8	CHANGE OF CORRESPONDENCE ADDRESS	Dec 03, 2009	
9	NOTICE OF DEFAULT	Dec 24, 2009	
10	BOARD'S DECISION: SUSTAINED	Feb 17, 2010	
11	TERMINATED	Feb 17, 2010	

Type of Proceeding: Opposition

Proceeding Number: 91188830

Filing Date: Feb 12, 2009

Status: Terminated

Status Date: Nov 06, 2009

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Corporacion Industrial Alimenticia, S.A. de C.V.

Correspondent Address: JEFFREY A. SMITH
 MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
 2200 CLARENDON BLVD STE 1400
 ARLINGTON VA, 22201-3360
 UNITED STATES

Correspondent e-mail: Culver@mwzb.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE BIO 3	Registered	77268767	4268437

Plaintiff(s)

Name: BALANCE BAR COMPANY

Correspondent Address: TMSU
 Morgan Lewis & Bockius LLP
 1111 Pennsylvania Avenue NW
 Washington DC, 20004
 UNITED STATES

Correspondent e-mail: trademarks@morganlewis.com, kbutcher@morganlewis.com, kaltoff@morganlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	76194400	2745850
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	78416165	3036771
BALANCE BARE	Registered	77053653	3436917
BALANCE GOLD	Renewed	75854595	2636101

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 12, 2009	Mar 24, 2009
3	PENDING, INSTITUTED	Feb 12, 2009	
4	ANSWER	Mar 24, 2009	
5	MOTION TO CONSOLIDATE	Mar 24, 2009	
6	CONSOLIDATION GRANTED	Mar 25, 2009	
7	APPEARANCE	May 27, 2009	

8	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Jun 04, 2009	
9	SUSPENDED	Jun 04, 2009	
10	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Aug 10, 2009	
11	SUSPENDED	Aug 10, 2009	
12	MOTION TO AMEND APPLICATION	Oct 30, 2009	
13	RESPONSE DUE 30 DAYS (DUE DATE)	Nov 06, 2009	Dec 06, 2009
14	WITHDRAWAL OF OPPOSITION	Nov 06, 2009	
15	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 06, 2009	
16	TERMINATED	Nov 06, 2009	

Type of Proceeding: Opposition

Proceeding Number: 91188832

Filing Date: Feb 12, 2009

Status: Terminated

Status Date: Apr 20, 2009

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: PHARMAVITE LLC

Correspondent Address: STANLEY W. SOKOLOFF
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD 7TH FLOOR
LOS ANGELES CA , 90025-1040
UNITED STATES

Correspondent e-mail: tm_filings@bstz.com , daniel_russell@bstz.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EQUOL BALANCE	Abandoned - No Statement Of Use Filed	<u>77540338</u>	
	Plaintiff(s)		

Name: Balance Bar Company

Correspondent Address: Susan H. Frohling
BALANCE BAR COMPANY
Three Lakes Drive
Northfield IL , 60093
UNITED STATES

Correspondent e-mail: sfrohling@Kraft.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 12, 2009	Mar 24, 2009
3	PENDING, INSTITUTED	Feb 12, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 17, 2009	
5	EXTENSION OF TIME GRANTED	Mar 17, 2009	
6	MOTION TO AMEND APPLICATION	Apr 13, 2009	
7	RESPONSE DUE 30 DAYS (DUE DATE)	Apr 15, 2009	May 15, 2009
8	WITHDRAWAL OF OPPOSITION	Apr 17, 2009	
9	BD'S DECISION: DISMISSED W/ PREJUDICE	Apr 20, 2009	
10	TERMINATED	Apr 20, 2009	

Type of Proceeding: Opposition

Proceeding Number: 91188840

Filing Date: Feb 12, 2009

Status: Terminated

Status Date: Nov 06, 2009

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Corporacion Industrial Alimenticia, S.A. de C.V.

Correspondent Address: JEFFREY A. SMITH
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD, STE 1400
ARLINGTON VA , 22201-3360
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE BIO 3 REDUCE	Registered	<u>77268774</u>	<u>4268438</u>

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: SUSAN H. FROHLING
BALANCE BAR COMPANY
THREE LAKES DRIVE
NORTHFIELD IL , 60093
UNITED STATES

Correspondent e-mail: trademark@kraft.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 13, 2009	Mar 25, 2009
3	PENDING, INSTITUTED	Feb 13, 2009	
4	ANSWER	Mar 24, 2009	
5	MOTION TO CONSOLIDATE	Mar 24, 2009	
6	CONSOLIDATION GRANTED	Mar 25, 2009	
7	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 06, 2009	
8	TERMINATED	Nov 06, 2009	

EXHIBIT A2

Generated on: This page was generated by TSDR on 2014-08-18 20:38:53 EDT

Mark: BALANCE BAR

US Serial Number: 75321186

Application Filing Date: Jul. 08, 1997

US Registration Number: 2659753

Registration Date: Dec. 10, 2002

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Sep. 11, 2012

Publication Date: May 23, 2000

Notice of Allowance Date: Jan. 16, 2001

Mark Information

Mark Literal Elements: BALANCE BAR

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "BAR"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: nutritional food supplements

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 30, 1999

Use in Commerce: Jul. 30, 1999

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: BALANCE BAR COMPANY

Owner Address: Suite 202
115 E. Stevens Avenue
Valhalla, NEW YORK 10595
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lee Grosskreuz Hechtel

Attorney Primary Email Address: lhechtel@nbty.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Lee Grosskreuz Hechtel
NBTY, Inc.
2100 Smithtown Avenue
Legal Dept.
Ronkonkoma, NEW YORK 11779
UNITED STATES

Phone: 6312187335

Fax: 6312187341

Correspondent e-mail: lhechtel@nbty.com speysekman@nbty.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 11, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 11, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68973
Sep. 11, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68973
Sep. 10, 2012	TEAS SECTION 8 & 9 RECEIVED	
Sep. 10, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 14, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 14, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 07, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
Jun. 03, 2008	ASSIGNED TO PARALEGAL	68973
May 21, 2008	TEAS SECTION 8 & 15 RECEIVED	
Feb. 29, 2008	CASE FILE IN TICRS	
Dec. 10, 2002	REGISTERED-PRINCIPAL REGISTER	
Oct. 03, 2002	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 07, 2001	STATEMENT OF USE PROCESSING COMPLETE	
Aug. 07, 2001	USE AMENDMENT FILED	
Jul. 20, 2001	EXTENSION 1 GRANTED	
Jul. 16, 2001	EXTENSION 1 FILED	
Aug. 26, 2002	PETITION TO REVIVE-GRANTED	
Jun. 10, 2002	COMMUNICATION RECEIVED FROM PETITIONER	
May 20, 2002	INCOMPLETE PETITION NOTICE MAILED	
Aug. 07, 2001	PETITION TO REVIVE-RECEIVED	
Feb. 05, 2002	ABANDONMENT - NO USE STATEMENT FILED	
Jan. 16, 2001	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 13, 2000	EXTENSION OF TIME TO OPPOSE RECEIVED	
May 23, 2000	PUBLISHED FOR OPPOSITION	
Apr. 21, 2000	NOTICE OF PUBLICATION	
Feb. 08, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 04, 1998	LETTER OF SUSPENSION MAILED	
Jul. 15, 1998	CORRESPONDENCE RECEIVED IN LAW OFFICE	

Apr. 02, 1998	NON-FINAL ACTION MAILED	
Mar. 25, 1998	ASSIGNED TO EXAMINER	65999
Feb. 21, 1998	ASSIGNED TO EXAMINER	72503
Feb. 11, 1998	ASSIGNED TO EXAMINER	72506
Feb. 06, 1998	ASSIGNED TO EXAMINER	65999

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 10, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 11, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 5

Registrant: BALANCE BAR COMPANY

Assignment 1 of 5

Conveyance: CHANGE OF NAME

Reel/Frame: 2228/0348

Pages: 3

Date Recorded: Jan. 17, 2001

Supporting Documents: [assignment-tm-2228-0348.pdf](#)

Assignor

Name: BIO-ENGINEERED FOODS, INC.

Execution Date: Oct. 17, 2000

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: THREE LAKES DRIVE
NORTHFIELD, ILLINOIS 60093

Correspondent

Correspondent Name: KRAFT FOODS HOLDINGS, INC.

Correspondent Address: SUSAN H. FROHLING
THREE LAKES DRIVE
NORTHFIELD, IL 60093

Domestic Representative - Not Found

Assignment 2 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: 4414/0199

Pages: 25

Date Recorded: Nov. 15, 2010

Supporting Documents: [assignment-tm-4414-0199.pdf](#)

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: DELAWARE

Address: 452 FIFTH AVENUE
14TH FLOOR
NEW YORK, NEW YORK 10018

Correspondent

Correspondent Name: JEFFREY R. CADWELL
Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 3 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: 4423/0858

Pages: 26

Date Recorded: Dec. 02, 2010

Supporting Documents: [assignment-tm-4423-0858.pdf](#)

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 281 TRESSER BOULEVARD
4TH FLOOR
STAMFORD, CONNECTICUT 06901

Correspondent

Correspondent Name: JACQUELINE P. SCHEIB
Correspondent Address: 280 TRUMBULL STREET
ROBINSON & COLE LLP
HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 4 of 5

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456

Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: [assignment-tm-4902-0456.pdf](#)

Assignor

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Execution Date: Nov. 14, 2012

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: DELAWARE

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 E. STEVENS AVENUE
SUITE 202
VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: JEFFREY R. CADWELL
Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 5 of 5

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Pages: 5

Date Recorded: Nov. 26, 2012

Supporting Documents: [assignment-tm-4906-0668.pdf](#)

Assignor

Name: WEBSTER BANK, NATIONAL ASSOCIATION

Execution Date: Nov. 26, 2012

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: DELAWARE

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: SUITE 202
115 E. STEVENS AVENUE
VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: 1633 BROADWAY
NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 8

Type of Proceeding: Opposition

Proceeding Number: 91203829

Filing Date: Feb 14, 2012

Status: Terminated

Status Date: Apr 03, 2014

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Doctor pHresh Nutritionals, L.L.C.

Correspondent Address: FARLEY I WEISS AND MARK H WEISS
WEISS MOY PC
4204 N BROWN AVE
SCOTTSDALE AZ , 85251 3914
UNITED STATES

Correspondent e-mail: kmotolenich@weissiplaw.com, gmarinelli@weissiplaw.com, fweiss@weissiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PHRESH BALANCE	Abandoned - After Inter-Partes Decision Plaintiff(s)	<u>85175388</u>	
Name: Balance Bar Company			
Correspondent Address: R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER ST 605 BABYLON NY , 11702 UNITED STATES			
Correspondent e-mail: docket@schroederlawpc.com , gschroeder@schroederlawpc.com			

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE PURE	Registered	<u>77734900</u>	<u>3760265</u>
BALANCE	Fifth Extension - Granted	<u>85099094</u>	
BALANCE BAR	Fifth Extension - Granted	<u>85099118</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 14, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 14, 2012	Mar 25, 2012

3	PENDING, INSTITUTED	Feb 14, 2012
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 16, 2012
5	EXTENSION OF TIME GRANTED	Mar 16, 2012
6	STIPULATION FOR AN EXTENSION OF TIME	May 18, 2012
7	EXTENSION OF TIME GRANTED	May 18, 2012
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 21, 2012
9	EXTENSION OF TIME GRANTED	Jul 21, 2012
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2012
11	EXTENSION OF TIME GRANTED	Aug 15, 2012
12	STIPULATION FOR AN EXTENSION OF TIME	Oct 12, 2012
13	EXTENSION OF TIME GRANTED	Oct 12, 2012
14	STIPULATION FOR AN EXTENSION OF TIME	Dec 14, 2012
15	EXTENSION OF TIME GRANTED	Dec 14, 2012
16	NOTICE OF DEFAULT	Apr 08, 2013
17	D MOT TO SET ASIDE DEFAULT/ACCEPT LATE ANSWER	Apr 23, 2013
18	PROCEEDINGS RESUMED	May 17, 2013
19	D MOT FOR EXT W/ CONSENT	Jun 10, 2013
20	EXTENSION OF TIME GRANTED	Jun 27, 2013
21	P APPEARANCE / POWER OF ATTORNEY	Aug 12, 2013
22	P MOT FOR EXT W/ CONSENT	Aug 12, 2013
23	EXTENSION OF TIME GRANTED	Aug 27, 2013
24	D MOT FOR EXT W/ CONSENT	Nov 11, 2013
25	TRIAL DATES REMAIN AS SET	Dec 12, 2013
26	P RESP TO BD ORDER/INQUIRY	Dec 17, 2013
27	EXTENSION OF TIME GRANTED	Jan 09, 2014
28	NOTICE OF DEFAULT	Feb 07, 2014
29	BD DECISION: SUSTAINED	Apr 03, 2014
30	TERMINATED	Apr 03, 2014

Type of Proceeding: Opposition

Proceeding Number: 91197149

Filing Date: Oct 25, 2010

Status: Terminated

Status Date: Mar 24, 2011

Interlocutory Attorney: CHERYL A BUTLER

Defendant

Name: Lighterlife UK Limited

Correspondent Address: JEFFREY H GREGER
LOWE HAUPTMAN & BERNER LLP
1700 DIAGONAL RD STE 300
ALEXANDRIA VA , 22314-2866
UNITED STATES

Correspondent e-mail: jhgreger@ipfirm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LIGHTER LIFE LIFE IN BALANCE	Registered	<u>78816226</u>	<u>3953476</u>

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: DAVID I GREENBAUM
EDWARDS ANGELL PALMER & DODGE LLP
PO BOX 130 FDR STATION
NEW YORK NY , 10150-0130
UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number

BALANCE	Renewed	76194400	2745850
BALANCE BAR	Renewed	75321186	2659753
BALANCE GOLD	Renewed	75854595	2636101
BALANCE	Registered	85099089	3937988

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 25, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 28, 2010	Dec 07, 2010
3	PENDING, INSTITUTED	Oct 28, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Dec 06, 2010	
5	EXTENSION OF TIME GRANTED	Dec 06, 2010	
6	STIPULATION FOR AN EXTENSION OF TIME	Jan 05, 2011	
7	EXTENSION OF TIME GRANTED	Jan 05, 2011	
8	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Feb 04, 2011	
9	SUSPENDED	Feb 04, 2011	
10	MOTION TO AMEND APPLICATION	Mar 07, 2011	
11	WITHDRAWAL OF OPPOSITION	Mar 07, 2011	
12	BD'S DECISION: DISMISSED W/O PREJUDICE	Mar 24, 2011	
13	TERMINATED	Mar 24, 2011	

Type of Proceeding: Opposition

Proceeding Number: 91196954

Filing Date: Oct 15, 2010

Status: Pending

Status Date: Oct 15, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: DAVID R CROSS
QUARLES BRADY LLP
411 EAST WISCONSIN AVENUE, SUITE 2350
MILWAUKEE WI , 53202 4497
UNITED STATES

Correspondent e-mail: marta.levine@quarles.com , david.cross@quarles.com , tm-dept@quarles.com , johanna.wilbert@quarles.com , andrea.fowler@quarles.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Opposition Pending	77864206	

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET, #605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com , gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	76194400	2745850
BALANCE BAR	Renewed	75321186	2659753
BALANCE GOLD	Renewed	75854595	2636101
BALANCE	Registered	85099089	3937988

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 15, 2010	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 15, 2010	Nov 24, 2010
3	PENDING, INSTITUTED	Oct 15, 2010	
4	ANSWER	Nov 24, 2010	
5	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 23, 2010	
6	SUSPENDED	Dec 23, 2010	
7	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jan 12, 2011	
8	D MOT TO CONSOLIDATE	Jan 28, 2011	
9	CONSOLIDATED - PARENT/TRIAL DATES RESET	Feb 07, 2011	
10	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 18, 2011	
11	SUSPENDED	Mar 02, 2011	
12	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 10, 2011	
13	EXTENSION OF TIME GRANTED	Aug 17, 2011	
14	P CHANGE OF CORRESP ADDRESS	Oct 06, 2011	
15	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 31, 2011	
16	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 31, 2011	
17	SUSPENDED	Nov 15, 2011	
18	APPEARANCE	Nov 17, 2011	
19	BOARD'S ORDER	Nov 26, 2011	
20	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 19, 2011	
21	SUSPENDED	Dec 23, 2011	
22	STIPULATED PROTECTIVE ORDER	Jun 14, 2012	
23	STIPULATION NOTED AND APPROVED	Jul 09, 2012	
24	DF'S DISCLOSURE OF EXPERT PHILIP JOHNSON	Jul 19, 2012	
25	P MOT FOR EXT W/ CONSENT	Jul 27, 2012	
26	EXTENSION OF TIME GRANTED	Aug 08, 2012	
27	PLAINTIFF'S MOTION	Aug 17, 2012	
28	DECLARATION OF NORMAN J. MATAR	Sep 04, 2012	
29	DECLARATION OF DAVID R. CROSS	Sep 04, 2012	
30	D'S OPPOSITION/RESPONSE TO MOTION	Sep 04, 2012	
31	P'S OPPOSITION/RESPONSE TO MOTION	Sep 17, 2012	
32	TRIAL DATES RESET	Oct 16, 2012	
33	P DISCLOSURE OF EXPERT JACOB JACOBY	Nov 30, 2012	
34	D MOT TO COMPEL DISCOVERY	Jan 07, 2013	
35	D MOT TO COMPEL DISCOVERY	Jan 07, 2013	
36	D'S DECLARATION OF WILBERT SUPPORT COMPEL	Jan 07, 2013	
37	D'S EXHIBIT A TO DECL OF WILBERT	Jan 07, 2013	
38	D'S EXHIBIT A OF DECL OF WILBERT	Jan 07, 2013	
39	D'S EXHIBIT B OF DECL OF WILBERT	Jan 07, 2013	
40	D'S EXHIBIT C OF DECL OF WILBERT	Jan 07, 2013	
41	D'S EXHIBIT D OF DECL OF WILBERT	Jan 07, 2013	
42	D'S EXHIBIT E OF DECL OF WILBERT	Jan 07, 2013	
43	D'S EXHIBIT F OF DECL OF WILBERT	Jan 07, 2013	
44	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Jan 14, 2013	
45	P MOT FOR EXT W/ CONSENT	Jan 28, 2013	
46	EXTENSION OF TIME GRANTED	Jan 30, 2013	
47	P MOT FOR EXT W/ CONSENT	Feb 08, 2013	
48	EXTENSION OF TIME GRANTED	Feb 14, 2013	
49	P MOT FOR EXT W/ CONSENT	Feb 21, 2013	
50	EXTENSION OF TIME GRANTED	Feb 26, 2013	

51	P OPP/RESP TO MOTION	Mar 28, 2013
52	P DECLARATION OF HECHTEL	Mar 28, 2013
53	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
54	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
55	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
56	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
57	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
58	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
59	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
60	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
61	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
62	PROCEEDINGS RESUMED	Aug 05, 2013
63	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013
64	P MOT FOR EXT W/ CONSENT	Aug 23, 2013
65	EXTENSION OF TIME GRANTED	Aug 29, 2013
66	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
67	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
68	D OPP/RESP TO MOTION	Nov 04, 2013
69	D OPP/RESP TO MOTION	Nov 04, 2013
70	D OPP/RESP TO MOTION	Nov 04, 2013
71	D OPP/RESP TO MOTION	Nov 04, 2013
72	D OPP/RESP TO MOTION	Nov 04, 2013
73	D OPP/RESP TO MOTION	Nov 04, 2013
74	D OPP/RESP TO MOTION	Nov 04, 2013
75	D OPP/RESP TO MOTION	Nov 04, 2013
76	D OPP/RESP TO MOTION	Nov 04, 2013
77	D OPP/RESP TO MOTION	Nov 04, 2013
78	D OPP/RESP TO MOTION	Nov 04, 2013
79	D OPP/RESP TO MOTION	Nov 04, 2013
80	D OPP/RESP TO MOTION	Nov 04, 2013
81	D OPP/RESP TO MOTION	Nov 04, 2013
82	D OPP/RESP TO MOTION	Nov 04, 2013
83	D OPP/RESP TO MOTION	Nov 04, 2013
84	D OPP/RESP TO MOTION	Nov 04, 2013
85	D OPP/RESP TO MOTION	Nov 04, 2013
86	D OPP/RESP TO MOTION	Nov 04, 2013
87	D OPP/RESP TO MOTION	Nov 04, 2013
88	D OPP/RESP TO MOTION	Nov 04, 2013
89	D OPP/RESP TO MOTION	Nov 04, 2013
90	SUSP PEND DISP OF OUTSTNDNG MOT	Nov 06, 2013
91	P REPLY IN SUPPORT OF MOTION	Nov 25, 2013
92	PROCEEDINGS RESUMED	Feb 25, 2014
93	P NOTICE OF RELIANCE	May 27, 2014
94	P NOTICE OF RELIANCE	May 27, 2014
95	P NOTICE OF RELIANCE	May 27, 2014
96	P NOTICE OF RELIANCE	May 27, 2014
97	P NOTICE OF RELIANCE	May 27, 2014
98	P NOTICE OF RELIANCE	May 27, 2014

99	P NOTICE OF RELIANCE	May 27, 2014
100	STIP REGARDING TEST EVIDENCE	Jul 28, 2014
101	D TESTIMONY	Jul 28, 2014
102	D TESTIMONY	Jul 28, 2014
103	D TESTIMONY	Jul 28, 2014
104	D NOTICE OF RELIANCE	Jul 28, 2014
105	D NOTICE OF RELIANCE	Jul 28, 2014
106	D NOTICE OF RELIANCE	Jul 28, 2014
107	D NOTICE OF RELIANCE	Jul 28, 2014
108	D NOTICE OF RELIANCE	Jul 28, 2014
109	D NOTICE OF RELIANCE	Jul 28, 2014
110	D NOTICE OF RELIANCE	Jul 28, 2014
111	D NOTICE OF RELIANCE	Jul 28, 2014
112	D NOTICE OF RELIANCE	Jul 28, 2014

Type of Proceeding: Opposition

Proceeding Number: 91193619

Filing Date: Feb 01, 2010

Status: Terminated

Status Date: Aug 13, 2010

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: Tiens Group Co., Ltd.

Correspondent Address: MICHAEL MAOZ
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 AVENUE OF THE AMERICAS
NEW YORK NY , 10036-2714
UNITED STATES

Correspondent e-mail: kltrademark@kramerlevin.com , mmaoz@kramerlevin.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VITAL BALANCE	Abandoned - After Inter-Partes Decision	<u>77572513</u>	

Plaintiff(s)

Name: BALANCE BAR COMPANY

Correspondent Address: DAVID I GREENBAUM
EDWARDS ANGELL PALMER & DODGE LLP
FDR STATION , PO BOX 130
NEW YORK NY , 10150
UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 01, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 01, 2010	Mar 13, 2010
3	PENDING, INSTITUTED	Feb 01, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 12, 2010	
5	EXTENSION OF TIME GRANTED	Mar 15, 2010	
6	STIPULATION FOR AN EXTENSION OF TIME	Apr 12, 2010	
7	EXTENSION OF TIME GRANTED	Apr 12, 2010	
8	STIPULATION FOR AN EXTENSION OF TIME	May 12, 2010	
9	EXTENSION OF TIME GRANTED	May 12, 2010	

10	STIPULATION FOR AN EXTENSION OF TIME	Jun 11, 2010
11	EXTENSION OF TIME GRANTED	Jun 11, 2010
12	STIPULATION FOR AN EXTENSION OF TIME	Jul 09, 2010
13	EXTENSION OF TIME GRANTED	Jul 09, 2010
14	WITHDRAWAL OF APPLICATION	Aug 09, 2010
15	WITHDRAWAL OF OPPOSITION	Aug 09, 2010
16	BD'S DECISION: DISMISSED W/O PREJUDICE	Aug 13, 2010
17	TERMINATED	Aug 13, 2010

Type of Proceeding: Opposition

Proceeding Number: 91193620

Filing Date: Feb 01, 2010

Status: Terminated

Status Date: Aug 13, 2010

Interlocutory Attorney: ANN LINNEHAN

Defendant

Name: Tiens Group Co., Ltd.

Correspondent Address: MICHAEL MAOZ
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 AVENUE OF THE AMERICAS
NEW YORK NY , 10036-2714
UNITED STATES

Correspondent e-mail: kltrademark@kramerlevin.com , mmaoz@kramerlevin.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VITAL BALANCE	Abandoned - After Inter-Partes Decision	77572505	
	Plaintiff(s)		

Name: BALANCE BAR COMPANY

Correspondent Address: David I. Greenbaum
Edwards Angell Palmer & Dodge LLP
FDR Station P.O. Box 130
New York NY , 10150
UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	76194400	2745850
BALANCE BAR	Renewed	75321186	2659753
BALANCE GOLD	Renewed	75854595	2636101

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 01, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 01, 2010	Mar 13, 2010
3	PENDING, INSTITUTED	Feb 01, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 12, 2010	
5	EXTENSION OF TIME GRANTED	Mar 15, 2010	
6	STIPULATION FOR AN EXTENSION OF TIME	Apr 12, 2010	
7	EXTENSION OF TIME GRANTED	Apr 12, 2010	
8	STIPULATION FOR AN EXTENSION OF TIME	May 12, 2010	
9	EXTENSION OF TIME GRANTED	May 12, 2010	
10	STIPULATION FOR AN EXTENSION OF TIME	Jun 11, 2010	
11	EXTENSION OF TIME GRANTED	Jun 11, 2010	
12	STIPULATION FOR AN EXTENSION OF TIME	Jul 09, 2010	
13	EXTENSION OF TIME GRANTED	Jul 09, 2010	
14	WITHDRAWAL OF APPLICATION	Aug 09, 2010	

15	WITHDRAWAL OF OPPOSITION	Aug 09, 2010
16	BD'S DECISION: DISMISSED W/O PREJUDICE	Aug 13, 2010
17	TERMINATED	Aug 13, 2010

Type of Proceeding: Opposition

Proceeding Number: 91192572

Filing Date: Nov 06, 2009

Status: Terminated

Status Date: Jun 23, 2010

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Mind Mine

Correspondent Address: ERIC M. NIELSEN
SNELL & WILMER L.L.P.
ONE ARIZONA CENTER
PHOENIX AZ , 85004-2202
UNITED STATES

Correspondent e-mail: enielsen@swlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THYRO-BALANCE	Registered	<u>77697640</u>	<u>3823699</u>

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: DAVID I. GREENBAUM
EDWARDS ANGELL PALMER & DODGE LLP
750 LEXINGTON AVENUE
NEW YORK NY , 10022
UNITED STATES

Correspondent e-mail: DGreenbaum@eapdlaw.com , rfraleay@swlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 06, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 06, 2009	Dec 16, 2009
3	PENDING, INSTITUTED	Nov 06, 2009	
4	CHANGE OF CORRESPONDENCE ADDRESS	Dec 03, 2009	
5	STIPULATION FOR AN EXTENSION OF TIME	Dec 15, 2009	
6	EXTENSION OF TIME GRANTED	Dec 15, 2009	
7	STIPULATION FOR AN EXTENSION OF TIME	Feb 12, 2010	
8	EXTENSION OF TIME GRANTED	Feb 12, 2010	
9	STIPULATION TO REOPEN DISCOVERY	Mar 19, 2010	
10	EXTENSION OF TIME GRANTED	Mar 25, 2010	
11	STIPULATION FOR AN EXTENSION OF TIME	Apr 15, 2010	
12	EXTENSION OF TIME GRANTED	Apr 15, 2010	
13	MOTION TO AMEND APPLICATION	May 11, 2010	
14	RESPONSE DUE 30 DAYS (DUE DATE)	Jun 08, 2010	Jul 08, 2010
15	WITHDRAWAL OF OPPOSITION	Jun 14, 2010	
16	BD'S DECISION: DISMISSED W/O PREJUDICE	Jun 23, 2010	
17	TERMINATED	Jun 23, 2010	

Type of Proceeding: Opposition

Proceeding Number: 91191491

Filing Date: Aug 11, 2009

Status: Terminated

Status Date: Feb 17, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: DSM IP Assets B.V.

Correspondent Address: Duane M. Byers
Nixon & Vanderhye P.C.
901 North Glebe Road, Suite 1100
Arlington VA , 22203
UNITED STATES

Correspondent e-mail: nixonptomail@nixonvan.com , dmb@nixonvan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PEP2BALANCE	IR CANCELLED; US APPLICATION ABANDONED	<u>79053062</u>	
	Plaintiff(s)		

Name: Balance Bar Company

Correspondent Address: David I. Greenbaum
Edwards Angell Palmer & Dodge LLP
FDR Station P.O. Box 130
New York NY , 10150
UNITED STATES

Correspondent e-mail: trademark@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 11, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 13, 2009	Sep 22, 2009
3	PENDING, INSTITUTED	Aug 13, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Sep 11, 2009	
5	EXTENSION OF TIME GRANTED	Sep 11, 2009	
6	STIPULATION FOR AN EXTENSION OF TIME	Oct 15, 2009	
7	EXTENSION OF TIME GRANTED	Oct 15, 2009	
8	CHANGE OF CORRESPONDENCE ADDRESS	Dec 03, 2009	
9	NOTICE OF DEFAULT	Dec 24, 2009	
10	BOARD'S DECISION: SUSTAINED	Feb 17, 2010	
11	TERMINATED	Feb 17, 2010	

Type of Proceeding: Cancellation

Proceeding Number: 92028520

Filing Date: Jan 26, 1999

Status: Terminated

Status Date: Nov 22, 2002

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: BALANCE NUTRITION, LLC

Correspondent Address: RAYMOND I. GERALDSON, JR.
PATTISHALL, MCAULIFFE, NEWBURY,
HILLIARD & GERALDSON 311 SOUTH WACKER DR., SUITE 5000
CHICAGO IL , 60606
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
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HEARTY BALANCE

Cancelled - Section 8

743969521956717

Plaintiff(s)

Name: BALANCE BAR COMPANY

Correspondent Address: JENIFER DEWOLF PAINE
 PROSKAUER, ROSE LLP
 1585 BROADWAY
 NEW YORK NY, 10036
 UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>

Prosecution History		
Entry Number	History Text	Due Date
1	FILED AND FEE	Jan 26, 1999
2	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	Feb 18, 1999
3	PENDING, INSTITUTED	Feb 18, 1999
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 01, 1999
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 30, 1999
6	ANSWER	Jun 04, 1999
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 23, 1999
8	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Oct 08, 1999
9	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 06, 2000
10	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 07, 2000
11	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	May 11, 2000
12	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 19, 2000
13	SUSPENDED	Jan 12, 2001
14	TRIAL DATES RESET	Aug 03, 2001
15	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Sep 27, 2001
16	SUSPENDED	Oct 29, 2001
17	PL'S MOT TO EXT W/CON	Dec 11, 2001
18	P'S MOTION FOR AN EXTENSION OF TIME	Oct 30, 2000
19	PLAINTIFF'S W/D WITHOUT PREJUDICE W/CON SENT	Apr 25, 2002
20	BOARD'S DECISION: DISMISSED W/O PREJ	May 20, 2002
21	DF'S MOT TO EXT W/CON	Sep 05, 2000
22	TERMINATED	May 20, 2002
23	PL'S #20 RETURNED UNDELIVERABLE	Jun 13, 2002
24	REMAILED BD'S #20 TO PL AT NEW YORK ADDR ESS	Aug 06, 2002
25	TERMINATED	Nov 22, 2002

EXHIBIT A3

Generated on: This page was generated by TSDR on 2014-08-18 20:41:28 EDT

Mark: BALANCE

BALANCE

US Serial Number: 76194400
US Registration Number: 2745850
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Dec. 09, 2013
Publication Date: Nov. 05, 2002

Application Filing Date: Jan. 16, 2001
Registration Date: Aug. 05, 2003

Mark Information

Mark Literal Elements: BALANCE
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Protein based, nutrient-dense snack bars

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: 1992

Use in Commerce: 1992

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Balance Bar Company
Owner Address: Legal Dept.
2100 Smithtown Avenue
Ronkonkoma, NEW YORK 11779
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lee Grosskreuz Hechtel
Attorney Primary Email Address: lhechtel@nbt.com speysekman@nbt.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Lee Grosskreuz Hechtel
NBTY, Inc.
2100 Smithtown Avenue

Legal Dept.
Ronkonkoma, NEW YORK 11779
UNITED STATES

Phone: 6312187335

Fax: 6312187341

Correspondent e-mail: lhechtel@nbtty.com speysekman@nbtty.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 09, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 09, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Dec. 09, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Nov. 21, 2013	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	69471
Dec. 09, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Nov. 21, 2013	TEAS SECTION 8 & 9 RECEIVED	
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 14, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 14, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 21, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	65765
Feb. 17, 2009	ASSIGNED TO PARALEGAL	65765
Feb. 12, 2009	TEAS SECTION 8 & 15 RECEIVED	
Mar. 05, 2008	CASE FILE IN TICRS	
Aug. 05, 2003	REGISTERED-PRINCIPAL REGISTER	
Dec. 12, 2002	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 05, 2002	PUBLISHED FOR OPPOSITION	
Oct. 16, 2002	NOTICE OF PUBLICATION	
Aug. 23, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 17, 2002	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Mar. 18, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 07, 2002	EXAMINERS AMENDMENT MAILED	
Dec. 10, 2001	NON-FINAL ACTION MAILED	
May 15, 2001	ASSIGNED TO EXAMINER	65999
May 04, 2001	ASSIGNED TO EXAMINER	72615

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Aug. 05, 2013

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Dec. 09, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: Balance Bar Company

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4414/0199

Pages: 25

Date Recorded: Nov. 15, 2010

Supporting Documents: assignment-tm-4414-0199.pdf**Assignor**Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE**Assignee**Name: HSBC MEZZANINE PARTNERS USA, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: DELAWAREAddress: 452 FIFTH AVENUE
14TH FLOOR
NEW YORK, NEW YORK 10018**Correspondent**

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4423/0858

Pages: 26

Date Recorded: Dec. 02, 2010

Supporting Documents: assignment-tm-4423-0858.pdf**Assignor**Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE**Assignee**Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: UNITED STATESAddress: 281 TRESSER BOULEVARD
4TH FLOOR
STAMFORD, CONNECTICUT 06901**Correspondent**

Correspondent Name: JACQUELINE P. SCHEIB

Correspondent Address: 280 TRUMBULL STREET
ROBINSON & COLE LLP
HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456

Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: assignment-tm-4902-0456.pdf**Assignor**Name: HSBC MEZZANINE PARTNERS USA, L.P.

Execution Date: Nov. 14, 2012

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: DELAWARE**Assignee**Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 E. STEVENS AVENUE
SUITE 202
VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Pages: 5

Date Recorded: Nov. 26, 2012

Supporting Documents: assignment-tm-4906-0668.pdf

Assignor

Name: WEBSTER BANK, NATIONAL ASSOCIATION

Execution Date: Nov. 26, 2012

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: DELAWARE

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: SUITE 202
115 E. STEVENS AVENUE
VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: 1633 BROADWAY
NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 14

Type of Proceeding: Opposition

Proceeding Number: 91212477

Filing Date: Sep 14, 2013

Status: Pending

Status Date: Sep 14, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: JOHANNA M WILBERT
QUARLES & BRADY LLP
411 E WISCONSIN AVE, SUITE 2040
MILWAUKEE WI , 53202-4497
UNITED STATES

Correspondent e-mail: tm-dept@quarles.com , johanna.wilbert@quarles.com , david.cross@quarles.com , DRC@quarles.com , marta.levine@quarles.com , andrea.fowler@quarles.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EARTH BALANCE	Opposition Pending Plaintiff(s)	<u>85751520</u>	

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET , #605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com , gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE PURE	Registered	<u>77734900</u>	<u>3760265</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 14, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 14, 2013	Oct 24, 2013
3	PENDING, INSTITUTED	Sep 14, 2013	
4	ANSWER	Oct 10, 2013	
5	STIPULATED PROTECTIVE ORDER	Feb 18, 2014	
6	TRIAL DATES REMAIN AS SET	Feb 20, 2014	
7	P MOT FOR EXT W/ CONSENT	Apr 15, 2014	
8	EXTENSION OF TIME GRANTED	Apr 16, 2014	
9	CORRECTION TO SCHEDULE	Apr 21, 2014	
10	D EXPERT DISCLOSURES	Apr 22, 2014	
11	P REBUTTAL DISCLOSURES	May 27, 2014	
12	D EXPERT DISCLOSURES	Jun 19, 2014	
13	STIP FOR INTRO OF EVIDENCE	Aug 06, 2014	
14	TRIAL DATES REMAIN AS SET	Aug 14, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91203829

Filing Date: Feb 14, 2012

Status: Terminated

Status Date: Apr 03, 2014

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Doctor pHresh Nutritionals, L.L.C.

Correspondent Address: FARLEY I WEISS AND MARK H WEISS
WEISS MOY PC
4204 N BROWN AVE
SCOTTSDALE AZ , 85251 3914
UNITED STATES

Correspondent e-mail: kmotolenich@weissiplaw.com,gmarinelli@weissiplaw.com,tweiss@weissiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PHRESH BALANCE	Abandoned - After Inter-Partes Decision Plaintiff(s)	<u>85175388</u>	

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER ST 605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com,gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>

BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE PURE	Registered	<u>77734900</u>	<u>3760265</u>
BALANCE	Fifth Extension - Granted	<u>85099094</u>	
BALANCE BAR	Fifth Extension - Granted	<u>85099118</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 14, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 14, 2012	Mar 25, 2012
3	PENDING, INSTITUTED	Feb 14, 2012	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 16, 2012	
5	EXTENSION OF TIME GRANTED	Mar 16, 2012	
6	STIPULATION FOR AN EXTENSION OF TIME	May 18, 2012	
7	EXTENSION OF TIME GRANTED	May 18, 2012	
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 21, 2012	
9	EXTENSION OF TIME GRANTED	Jul 21, 2012	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2012	
11	EXTENSION OF TIME GRANTED	Aug 15, 2012	
12	STIPULATION FOR AN EXTENSION OF TIME	Oct 12, 2012	
13	EXTENSION OF TIME GRANTED	Oct 12, 2012	
14	STIPULATION FOR AN EXTENSION OF TIME	Dec 14, 2012	
15	EXTENSION OF TIME GRANTED	Dec 14, 2012	
16	NOTICE OF DEFAULT	Apr 08, 2013	
17	D MOT TO SET ASIDE DEFAULT/ACCEPT LATE ANSWER	Apr 23, 2013	
18	PROCEEDINGS RESUMED	May 17, 2013	
19	D MOT FOR EXT W/ CONSENT	Jun 10, 2013	
20	EXTENSION OF TIME GRANTED	Jun 27, 2013	
21	P APPEARANCE / POWER OF ATTORNEY	Aug 12, 2013	
22	P MOT FOR EXT W/ CONSENT	Aug 12, 2013	
23	EXTENSION OF TIME GRANTED	Aug 27, 2013	
24	D MOT FOR EXT W/ CONSENT	Nov 11, 2013	
25	TRIAL DATES REMAIN AS SET	Dec 12, 2013	
26	P RESP TO BD ORDER/INQUIRY	Dec 17, 2013	
27	EXTENSION OF TIME GRANTED	Jan 09, 2014	
28	NOTICE OF DEFAULT	Feb 07, 2014	
29	BD DECISION: SUSTAINED	Apr 03, 2014	
30	TERMINATED	Apr 03, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91197748

Filing Date: Dec 07, 2010

Status: Pending

Status Date: Dec 07, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: MARTA S LEVINE
QUARLES & BRADY LLP
411 EAST WISCONSIN AVE
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: marta.levine@quarles.com , david.cross@quarles.com , tm-dept@quarles.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Opposition Pending Plaintiff(s)	<u>77864268</u>	

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET, #605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com, gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 07, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 08, 2010	Jan 17, 2011
3	PENDING, INSTITUTED	Dec 08, 2010	
4	ANSWER	Jan 12, 2011	
5	MOTION TO CONSOLIDATE	Jan 28, 2011	
6	CONSOLIDATED - CHILD OF 91196954	Feb 07, 2011	
7	CHANGE OF CORRESPONDENCE ADDRESS	Oct 06, 2011	
8	APPEARANCE	Nov 17, 2011	
9	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013	

Type of Proceeding: Opposition

Proceeding Number: 91197149

Filing Date: Oct 25, 2010

Status: Terminated

Status Date: Mar 24, 2011

Interlocutory Attorney: CHERYL A BUTLER

Defendant

Name: Lighterlife UK Limited

Correspondent Address: JEFFREY H GREGER
LOWE HAUPTMAN & BERNER LLP
1700 DIAGONAL RD STE 300
ALEXANDRIA VA , 22314-2866
UNITED STATES

Correspondent e-mail: jhgreger@ipfirm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LIGHTER LIFE LIFE IN BALANCE	Registered Plaintiff(s)	<u>78816226</u>	<u>3953476</u>

Name: Balance Bar Company

Correspondent Address: DAVID I GREENBAUM
EDWARDS ANGELL PALMER & DODGE LLP
PO BOX 130 FDR STATION
NEW YORK NY , 10150-0130
UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 25, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 28, 2010	Dec 07, 2010
3	PENDING, INSTITUTED	Oct 28, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Dec 06, 2010	
5	EXTENSION OF TIME GRANTED	Dec 06, 2010	
6	STIPULATION FOR AN EXTENSION OF TIME	Jan 05, 2011	
7	EXTENSION OF TIME GRANTED	Jan 05, 2011	
8	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Feb 04, 2011	
9	SUSPENDED	Feb 04, 2011	
10	MOTION TO AMEND APPLICATION	Mar 07, 2011	
11	WITHDRAWAL OF OPPOSITION	Mar 07, 2011	
12	BD'S DECISION: DISMISSED W/O PREJUDICE	Mar 24, 2011	
13	TERMINATED	Mar 24, 2011	

Type of Proceeding: Opposition

Proceeding Number: 91196954

Filing Date: Oct 15, 2010

Status: Pending

Status Date: Oct 15, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: DAVID R CROSS
QUARLES BRADY LLP
411 EAST WISCONSIN AVENUE, SUITE 2350
MILWAUKEE WI , 53202 4497
UNITED STATES

Correspondent e-mail: marta.levine@quarles.com , david.cross@quarles.com , tm-dept@quarles.com , johanna.wilbert@quarles.com , andrea.fowler@quarles.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Opposition Pending	<u>77864206</u>	

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET, #605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com , gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>

BALANCE GOLD

Renewed

758545952636101

BALANCE

Registered

850990893937988

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 15, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 15, 2010	Nov 24, 2010
3	PENDING, INSTITUTED	Oct 15, 2010	
4	ANSWER	Nov 24, 2010	
5	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 23, 2010	
6	SUSPENDED	Dec 23, 2010	
7	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jan 12, 2011	
8	D MOT TO CONSOLIDATE	Jan 28, 2011	
9	CONSOLIDATED - PARENT/TRIAL DATES RESET	Feb 07, 2011	
10	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 18, 2011	
11	SUSPENDED	Mar 02, 2011	
12	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 10, 2011	
13	EXTENSION OF TIME GRANTED	Aug 17, 2011	
14	P CHANGE OF CORRESP ADDRESS	Oct 06, 2011	
15	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 31, 2011	
16	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 31, 2011	
17	SUSPENDED	Nov 15, 2011	
18	APPEARANCE	Nov 17, 2011	
19	BOARD'S ORDER	Nov 26, 2011	
20	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 19, 2011	
21	SUSPENDED	Dec 23, 2011	
22	STIPULATED PROTECTIVE ORDER	Jun 14, 2012	
23	STIPULATION NOTED AND APPROVED	Jul 09, 2012	
24	DF'S DISCLOSURE OF EXPERT PHILIP JOHNSON	Jul 19, 2012	
25	P MOT FOR EXT W/ CONSENT	Jul 27, 2012	
26	EXTENSION OF TIME GRANTED	Aug 08, 2012	
27	PLAINTIFF'S MOTION	Aug 17, 2012	
28	DECLARATION OF NORMAN J. MATAR	Sep 04, 2012	
29	DECLARATION OF DAVID R. CROSS	Sep 04, 2012	
30	D'S OPPOSITION/RESPONSE TO MOTION	Sep 04, 2012	
31	P'S OPPOSITION/RESPONSE TO MOTION	Sep 17, 2012	
32	TRIAL DATES RESET	Oct 16, 2012	
33	P DISCLOSURE OF EXPERT JACOB JACOBY	Nov 30, 2012	
34	D MOT TO COMPEL DISCOVERY	Jan 07, 2013	
35	D MOT TO COMPEL DISCOVERY	Jan 07, 2013	
36	D'S DECLARATION OF WILBERT SUPPORT COMPEL	Jan 07, 2013	
37	D'S EXHIBIT A TO DECL OF WILBERT	Jan 07, 2013	
38	D'S EXHIBIT A OF DECL OF WILBERT	Jan 07, 2013	
39	D'S EXHIBIT B OF DECL OF WILBERT	Jan 07, 2013	
40	D'S EXHIBIT C OF DECL OF WILBERT	Jan 07, 2013	
41	D'S EXHIBIT D OF DECL OF WILBERT	Jan 07, 2013	
42	D'S EXHIBIT E OF DECL OF WILBERT	Jan 07, 2013	
43	D'S EXHIBIT F OF DECL OF WILBERT	Jan 07, 2013	
44	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Jan 14, 2013	

45	P MOT FOR EXT W/ CONSENT	Jan 28, 2013
46	EXTENSION OF TIME GRANTED	Jan 30, 2013
47	P MOT FOR EXT W/ CONSENT	Feb 08, 2013
48	EXTENSION OF TIME GRANTED	Feb 14, 2013
49	P MOT FOR EXT W/ CONSENT	Feb 21, 2013
50	EXTENSION OF TIME GRANTED	Feb 26, 2013
51	P OPP/RESP TO MOTION	Mar 28, 2013
52	P DECLARATION OF HECHTEL	Mar 28, 2013
53	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
54	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
55	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
56	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
57	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
58	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
59	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
60	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
61	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
62	PROCEEDINGS RESUMED	Aug 05, 2013
63	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013
64	P MOT FOR EXT W/ CONSENT	Aug 23, 2013
65	EXTENSION OF TIME GRANTED	Aug 29, 2013
66	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
67	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
68	D OPP/RESP TO MOTION	Nov 04, 2013
69	D OPP/RESP TO MOTION	Nov 04, 2013
70	D OPP/RESP TO MOTION	Nov 04, 2013
71	D OPP/RESP TO MOTION	Nov 04, 2013
72	D OPP/RESP TO MOTION	Nov 04, 2013
73	D OPP/RESP TO MOTION	Nov 04, 2013
74	D OPP/RESP TO MOTION	Nov 04, 2013
75	D OPP/RESP TO MOTION	Nov 04, 2013
76	D OPP/RESP TO MOTION	Nov 04, 2013
77	D OPP/RESP TO MOTION	Nov 04, 2013
78	D OPP/RESP TO MOTION	Nov 04, 2013
79	D OPP/RESP TO MOTION	Nov 04, 2013
80	D OPP/RESP TO MOTION	Nov 04, 2013
81	D OPP/RESP TO MOTION	Nov 04, 2013
82	D OPP/RESP TO MOTION	Nov 04, 2013
83	D OPP/RESP TO MOTION	Nov 04, 2013
84	D OPP/RESP TO MOTION	Nov 04, 2013
85	D OPP/RESP TO MOTION	Nov 04, 2013
86	D OPP/RESP TO MOTION	Nov 04, 2013
87	D OPP/RESP TO MOTION	Nov 04, 2013
88	D OPP/RESP TO MOTION	Nov 04, 2013
89	D OPP/RESP TO MOTION	Nov 04, 2013
90	SUSP PEND DISP OF OUTSTNDNG MOT	Nov 06, 2013
91	P REPLY IN SUPPORT OF MOTION	Nov 25, 2013
92	PROCEEDINGS RESUMED	Feb 25, 2014
93	P NOTICE OF RELIANCE	May 27, 2014

45	P MOT FOR EXT W/ CONSENT	Jan 28, 2013
46	EXTENSION OF TIME GRANTED	Jan 30, 2013
47	P MOT FOR EXT W/ CONSENT	Feb 08, 2013
48	EXTENSION OF TIME GRANTED	Feb 14, 2013
49	P MOT FOR EXT W/ CONSENT	Feb 21, 2013
50	EXTENSION OF TIME GRANTED	Feb 26, 2013
51	P OPP/RESP TO MOTION	Mar 28, 2013
52	P DECLARATION OF HECHTEL	Mar 28, 2013
53	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
54	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
55	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
56	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
57	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
58	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
59	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
60	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
61	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
62	PROCEEDINGS RESUMED	Aug 05, 2013
63	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013
64	P MOT FOR EXT W/ CONSENT	Aug 23, 2013
65	EXTENSION OF TIME GRANTED	Aug 29, 2013
66	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
67	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
68	D OPP/RESP TO MOTION	Nov 04, 2013
69	D OPP/RESP TO MOTION	Nov 04, 2013
70	D OPP/RESP TO MOTION	Nov 04, 2013
71	D OPP/RESP TO MOTION	Nov 04, 2013
72	D OPP/RESP TO MOTION	Nov 04, 2013
73	D OPP/RESP TO MOTION	Nov 04, 2013
74	D OPP/RESP TO MOTION	Nov 04, 2013
75	D OPP/RESP TO MOTION	Nov 04, 2013
76	D OPP/RESP TO MOTION	Nov 04, 2013
77	D OPP/RESP TO MOTION	Nov 04, 2013
78	D OPP/RESP TO MOTION	Nov 04, 2013
79	D OPP/RESP TO MOTION	Nov 04, 2013
80	D OPP/RESP TO MOTION	Nov 04, 2013
81	D OPP/RESP TO MOTION	Nov 04, 2013
82	D OPP/RESP TO MOTION	Nov 04, 2013
83	D OPP/RESP TO MOTION	Nov 04, 2013
84	D OPP/RESP TO MOTION	Nov 04, 2013
85	D OPP/RESP TO MOTION	Nov 04, 2013
86	D OPP/RESP TO MOTION	Nov 04, 2013
87	D OPP/RESP TO MOTION	Nov 04, 2013
88	D OPP/RESP TO MOTION	Nov 04, 2013
89	D OPP/RESP TO MOTION	Nov 04, 2013
90	SUSP PEND DISP OF OUTSTNDNG MOT	Nov 06, 2013
91	P REPLY IN SUPPORT OF MOTION	Nov 25, 2013
92	PROCEEDINGS RESUMED	Feb 25, 2014
93	P NOTICE OF RELIANCE	May 27, 2014

94	P NOTICE OF RELIANCE	May 27, 2014
95	P NOTICE OF RELIANCE	May 27, 2014
96	P NOTICE OF RELIANCE	May 27, 2014
97	P NOTICE OF RELIANCE	May 27, 2014
98	P NOTICE OF RELIANCE	May 27, 2014
99	P NOTICE OF RELIANCE	May 27, 2014
100	STIP REGARDING TEST EVIDENCE	Jul 28, 2014
101	D TESTIMONY	Jul 28, 2014
102	D TESTIMONY	Jul 28, 2014
103	D TESTIMONY	Jul 28, 2014
104	D NOTICE OF RELIANCE	Jul 28, 2014
105	D NOTICE OF RELIANCE	Jul 28, 2014
106	D NOTICE OF RELIANCE	Jul 28, 2014
107	D NOTICE OF RELIANCE	Jul 28, 2014
108	D NOTICE OF RELIANCE	Jul 28, 2014
109	D NOTICE OF RELIANCE	Jul 28, 2014
110	D NOTICE OF RELIANCE	Jul 28, 2014
111	D NOTICE OF RELIANCE	Jul 28, 2014
112	D NOTICE OF RELIANCE	Jul 28, 2014

Type of Proceeding: Opposition

Proceeding Number: 91193619

Filing Date: Feb 01, 2010

Status: Terminated

Status Date: Aug 13, 2010

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: Tiens Group Co., Ltd.

Correspondent Address: MICHAEL MAOZ
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 AVENUE OF THE AMERICAS
NEW YORK NY , 10036-2714
UNITED STATES

Correspondent e-mail: kltrademark@kramerlevin.com , mmaoz@kramerlevin.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VITAL BALANCE	Abandoned - After Inter-Partes Decision	<u>77572513</u>	
	Plaintiff(s)		

Name: BALANCE BAR COMPANY

Correspondent Address: DAVID I GREENBAUM
EDWARDS ANGELL PALMER & DODGE LLP
FDR STATION , PO BOX 130
NEW YORK NY , 10150
UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 01, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 01, 2010	Mar 13, 2010
3	PENDING, INSTITUTED	Feb 01, 2010	

4	STIPULATION FOR AN EXTENSION OF TIME	Mar 12, 2010
5	EXTENSION OF TIME GRANTED	Mar 15, 2010
6	STIPULATION FOR AN EXTENSION OF TIME	Apr 12, 2010
7	EXTENSION OF TIME GRANTED	Apr 12, 2010
8	STIPULATION FOR AN EXTENSION OF TIME	May 12, 2010
9	EXTENSION OF TIME GRANTED	May 12, 2010
10	STIPULATION FOR AN EXTENSION OF TIME	Jun 11, 2010
11	EXTENSION OF TIME GRANTED	Jun 11, 2010
12	STIPULATION FOR AN EXTENSION OF TIME	Jul 09, 2010
13	EXTENSION OF TIME GRANTED	Jul 09, 2010
14	WITHDRAWAL OF APPLICATION	Aug 09, 2010
15	WITHDRAWAL OF OPPOSITION	Aug 09, 2010
16	BD'S DECISION: DISMISSED W/O PREJUDICE	Aug 13, 2010
17	TERMINATED	Aug 13, 2010

Type of Proceeding: Opposition

Proceeding Number: 91193620

Filing Date: Feb 01, 2010

Status: Terminated

Status Date: Aug 13, 2010

Interlocutory Attorney: ANN LINNEHAN

Defendant

Name: Tiens Group Co., Ltd.

Correspondent Address: MICHAEL MAOZ
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 AVENUE OF THE AMERICAS
NEW YORK NY , 10036-2714
UNITED STATES

Correspondent e-mail: kltrademark@kramerlevin.com , mmaoz@kramerlevin.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VITAL BALANCE	Abandoned - After Inter-Partes Decision	<u>77572505</u>	

Plaintiff(s)

Name: BALANCE BAR COMPANY

Correspondent Address: David I. Greenbaum
Edwards Angell Palmer & Dodge LLP
FDR Station P.O. Box 130
New York NY , 10150
UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 01, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 01, 2010	Mar 13, 2010
3	PENDING, INSTITUTED	Feb 01, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 12, 2010	
5	EXTENSION OF TIME GRANTED	Mar 15, 2010	
6	STIPULATION FOR AN EXTENSION OF TIME	Apr 12, 2010	
7	EXTENSION OF TIME GRANTED	Apr 12, 2010	
8	STIPULATION FOR AN EXTENSION OF TIME	May 12, 2010	
9	EXTENSION OF TIME GRANTED	May 12, 2010	

10	STIPULATION FOR AN EXTENSION OF TIME	Jun 11, 2010
11	EXTENSION OF TIME GRANTED	Jun 11, 2010
12	STIPULATION FOR AN EXTENSION OF TIME	Jul 09, 2010
13	EXTENSION OF TIME GRANTED	Jul 09, 2010
14	WITHDRAWAL OF APPLICATION	Aug 09, 2010
15	WITHDRAWAL OF OPPOSITION	Aug 09, 2010
16	BD'S DECISION: DISMISSED W/O PREJUDICE	Aug 13, 2010
17	TERMINATED	Aug 13, 2010

Type of Proceeding: Opposition

Proceeding Number: 91192572

Filing Date: Nov 06, 2009

Status: Terminated

Status Date: Jun 23, 2010

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Mind Mine

Correspondent Address: ERIC M. NIELSEN
SNELL & WILMER L.L.P.
ONE ARIZONA CENTER
PHOENIX AZ , 85004-2202
UNITED STATES

Correspondent e-mail: enielsen@swlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THYRO-BALANCE	Registered	<u>77697640</u>	<u>3823699</u>

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: DAVID I. GREENBAUM
EDWARDS ANGELL PALMER & DODGE LLP
750 LEXINGTON AVENUE
NEW YORK NY , 10022
UNITED STATES

Correspondent e-mail: DGreenbaum@eapdlaw.com , rfrale@swlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 06, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 06, 2009	Dec 16, 2009
3	PENDING, INSTITUTED	Nov 06, 2009	
4	CHANGE OF CORRESPONDENCE ADDRESS	Dec 03, 2009	
5	STIPULATION FOR AN EXTENSION OF TIME	Dec 15, 2009	
6	EXTENSION OF TIME GRANTED	Dec 15, 2009	
7	STIPULATION FOR AN EXTENSION OF TIME	Feb 12, 2010	
8	EXTENSION OF TIME GRANTED	Feb 12, 2010	
9	STIPULATION TO REOPEN DISCOVERY	Mar 19, 2010	
10	EXTENSION OF TIME GRANTED	Mar 25, 2010	
11	STIPULATION FOR AN EXTENSION OF TIME	Apr 15, 2010	
12	EXTENSION OF TIME GRANTED	Apr 15, 2010	
13	MOTION TO AMEND APPLICATION	May 11, 2010	
14	RESPONSE DUE 30 DAYS (DUE DATE)	Jun 08, 2010	Jul 08, 2010

15	WITHDRAWAL OF OPPOSITION	Jun 14, 2010
16	BD'S DECISION: DISMISSED W/O PREJUDICE	Jun 23, 2010
17	TERMINATED	Jun 23, 2010

Type of Proceeding: Opposition

Proceeding Number: 91191491

Filing Date: Aug 11, 2009

Status: Terminated

Status Date: Feb 17, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: DSM IP Assets B.V.

Correspondent Address: Duane M. Byers
Nixon & Vanderhye P.C.
901 North Glebe Road, Suite 1100
Arlington VA , 22203
UNITED STATES

Correspondent e-mail: nixonptomail@nixonvan.com , dmb@nixonvan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PEP2BALANCE	IR CANCELLED; US APPLICATION ABANDONED	<u>79053062</u>	

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: David I. Greenbaum
Edwards Angell Palmer & Dodge LLP
FDR Station P.O. Box 130
New York NY , 10150
UNITED STATES

Correspondent e-mail: trademark@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 11, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 13, 2009	Sep 22, 2009
3	PENDING, INSTITUTED	Aug 13, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Sep 11, 2009	
5	EXTENSION OF TIME GRANTED	Sep 11, 2009	
6	STIPULATION FOR AN EXTENSION OF TIME	Oct 15, 2009	
7	EXTENSION OF TIME GRANTED	Oct 15, 2009	
8	CHANGE OF CORRESPONDENCE ADDRESS	Dec 03, 2009	
9	NOTICE OF DEFAULT	Dec 24, 2009	
10	BOARD'S DECISION: SUSTAINED	Feb 17, 2010	
11	TERMINATED	Feb 17, 2010	

Type of Proceeding: Opposition

Proceeding Number: 91188830

Filing Date: Feb 12, 2009

Status: Terminated

Status Date: Nov 06, 2009

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Corporacion Industrial Alimenticia, S.A. de C.V.

Correspondent Address: JEFFREY A. SMITH
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD STE 1400
ARLINGTON VA , 22201-3360
UNITED STATES

Correspondent e-mail: Culver@mwzb.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE BIO 3	Registered	<u>77268767</u>	<u>4268437</u>

Plaintiff(s)

Name: BALANCE BAR COMPANY

Correspondent Address: TMSU
Morgan Lewis & Bockius LLP
1111 Pennsylvania Avenue NW
Washington DC , 20004
UNITED STATES

Correspondent e-mail: trademarks@morganlewis.com , kbutcher@morganlewis.com , kaltoff@morganlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 12, 2009	Mar 24, 2009
3	PENDING, INSTITUTED	Feb 12, 2009	
4	ANSWER	Mar 24, 2009	
5	MOTION TO CONSOLIDATE	Mar 24, 2009	
6	CONSOLIDATION GRANTED	Mar 25, 2009	
7	APPEARANCE	May 27, 2009	
8	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Jun 04, 2009	
9	SUSPENDED	Jun 04, 2009	
10	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Aug 10, 2009	
11	SUSPENDED	Aug 10, 2009	
12	MOTION TO AMEND APPLICATION	Oct 30, 2009	
13	RESPONSE DUE 30 DAYS (DUE DATE)	Nov 06, 2009	Dec 06, 2009
14	WITHDRAWAL OF OPPOSITION	Nov 06, 2009	
15	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 06, 2009	
16	TERMINATED	Nov 06, 2009	

Type of Proceeding: Opposition

Proceeding Number: 91188832

Filing Date: Feb 12, 2009

Status: Terminated

Status Date: Apr 20, 2009

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: PHARMAVITE LLC

Correspondent Address: STANLEY W. SOKOLOFF
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD 7TH FLOOR
LOS ANGELES CA , 90025-1040
UNITED STATES

Correspondent e-mail: tm_filings@bstz.com , daniel_russell@bstz.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EQUOL BALANCE	Abandoned - No Statement Of Use Filed	<u>77540338</u>	

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: Susan H. Frohling
BALANCE BAR COMPANY
Three Lakes Drive
Northfield IL , 60093
UNITED STATES

Correspondent e-mail: sfrohling@Kraft.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 12, 2009	Mar 24, 2009
3	PENDING, INSTITUTED	Feb 12, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 17, 2009	
5	EXTENSION OF TIME GRANTED	Mar 17, 2009	
6	MOTION TO AMEND APPLICATION	Apr 13, 2009	
7	RESPONSE DUE 30 DAYS (DUE DATE)	Apr 15, 2009	May 15, 2009
8	WITHDRAWAL OF OPPOSITION	Apr 17, 2009	
9	BD'S DECISION: DISMISSED W/ PREJUDICE	Apr 20, 2009	
10	TERMINATED	Apr 20, 2009	

Type of Proceeding: Opposition

Proceeding Number: 91188840

Filing Date: Feb 12, 2009

Status: Terminated

Status Date: Nov 06, 2009

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Corporacion Industrial Alimenticia, S.A. de C.V.

Correspondent Address: JEFFREY A. SMITH
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD, STE 1400
ARLINGTON VA , 22201-3360
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE BIO 3 REDUCE	Registered	<u>77268774</u>	<u>4268438</u>

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: SUSAN H. FROHLING
BALANCE BAR COMPANY
THREE LAKES DRIVE
NORTHFIELD IL , 60093
UNITED STATES

Correspondent e-mail: trademark@kraft.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>

BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 13, 2009	Mar 25, 2009
3	PENDING, INSTITUTED	Feb 13, 2009	
4	ANSWER	Mar 24, 2009	
5	MOTION TO CONSOLIDATE	Mar 24, 2009	
6	CONSOLIDATION GRANTED	Mar 25, 2009	
7	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 06, 2009	
8	TERMINATED	Nov 06, 2009	

Type of Proceeding: Extension of Time

Proceeding Number: 76194400

Filing Date: Dec 17, 2002

Status: Terminated

Status Date: Dec 17, 2002

Interlocutory Attorney:

Defendant

Name: Balance Bar Company

Correspondent Address: SUSAN H FROHLING
KRAFT FOODS HOLDINGS INC
THREE LAKES DRIVE NF361
NORTHFIELD ILLINO IS , 600932753

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>

Potential Opposer(s)

Name: Neways, Inc

Correspondent Address: John C. Stringham
WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower, 60 East South Temple
Salt Lake City UT , 84111
UNITED STATES

Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Nov 15, 2002	
2	EXTENSION OF TIME GRANTED	Dec 17, 2002	
3	INCOMING - EXT TIME TO OPPOSE FILED	Feb 03, 2003	
4	EXTENSION OF TIME GRANTED	Mar 26, 2003	
5	INCOMING - EXT TIME TO OPPOSE FILED	Feb 18, 2003	
6	EXTENSION OF TIME GRANTED	Apr 09, 2003	
7	INCOMING - EXT TIME TO OPPOSE FILED	Mar 05, 2003	
8	REQ. TO EXT. TIME TO OPPOSE DENIED	Apr 09, 2003	

Type of Proceeding: Cancellation

Proceeding Number: 92040810

Filing Date: Jul 19, 2002

Status: Terminated

Status Date: Jun 09, 2003

Interlocutory Attorney: JYLL S TAYLOR

Defendant

Name: NEWAYS, INC.

Correspondent Address: JOHN C. STRINGHAM
WORKMAN, NYDEGGER & SKELEY
1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE
SALT LAKE CITY UT , 84111
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
NEWAYS EXTREME BALANCE	Cancelled - Section 18 Plaintiff(s)	<u>75933594</u>	<u>2431508</u>

Name: BALANCE BAR COMPANY

Correspondent Address: JENIFER DEWOLF PAINE
PROSKAUER ROSE LLP
1585 BROADWAY NEW YORK, NY 10036**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 19, 2002	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 30, 2002	Sep 08, 2002
3	PENDING, INSTITUTED	Jul 30, 2002	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Sep 10, 2002	
5	ANSWER & CC	Oct 09, 2002	
6	PL'S ANSWER TO CC	Nov 12, 2002	
7	GRANTED D'S #4; CC TRIAL DATES SET	Dec 04, 2002	
8	D'S SURRENDER OF RN 2,431,508	Apr 02, 2003	
9	BOARD'S DECISION: GRANTED	May 22, 2003	
10	COMM'RS ORDER CANC. REG	Jun 05, 2003	
11	TERMINATED	Jun 09, 2003	

EXHIBIT A4

Generated on: This page was generated by TSDR on 2014-08-18 20:44:01 EDT

Mark: BALANCE BAR GOLD

BALANCE BAR GOLD

US Serial Number: 78409022

Application Filing Date: Apr. 27, 2004

US Registration Number: 2999244

Registration Date: Sep. 20, 2005

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Apr. 18, 2011

Publication Date: Jan. 25, 2005

Notice of Allowance Date: Apr. 19, 2005

Mark Information

Mark Literal Elements: BALANCE BAR GOLD

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "BAR"

Related Properties Information

Claimed Ownership of US Registrations: 2659753

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Protein-based, nutrient-dense snack bars

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: May 2005

Use in Commerce: May 2005

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Balance Bar Company

Owner Address: Suite 202
115 E. Stevens Avenue
Valhalla, NEW YORK 10595
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lee Grosskreuz Hechtel

Attorney Primary Email lhechtel@nbtv.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: Lee Grosskreuz Hechtel
NBTY, Inc.
2100 Smithtown Avenue
Legal Dept.
Ronkonkoma, NEW YORK 11779
UNITED STATES

Phone: 6312187335

Fax: 6312187341

Correspondent e-mail: lhechtel@nbtv.com speysekman@nbtv.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 18, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Apr. 18, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Apr. 06, 2011	TEAS SECTION 8 & 15 RECEIVED	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 14, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 14, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 20, 2005	REGISTERED-PRINCIPAL REGISTER	
Aug. 09, 2005	LAW OFFICE REGISTRATION REVIEW COMPLETED	68552
Jul. 22, 2005	ASSIGNED TO LIE	68552
Jul. 20, 2005	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 19, 2005	STATEMENT OF USE PROCESSING COMPLETE	76873
Jul. 06, 2005	USE AMENDMENT FILED	76873
Jul. 06, 2005	TEAS STATEMENT OF USE RECEIVED	
Apr. 19, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 25, 2005	PUBLISHED FOR OPPOSITION	
Jan. 05, 2005	NOTICE OF PUBLICATION	
Nov. 29, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	76539
Nov. 26, 2004	ASSIGNED TO LIE	76539
Nov. 22, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 22, 2004	ASSIGNED TO EXAMINER	69811
May 05, 2004	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 103

Date in Location: Apr. 18, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: Balance Bar Company

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4414/0199

Pages: 25

Date Recorded: Nov. 15, 2010

Supporting Documents: assignment-tm-4414-0199.pdf

Name: BALANCE BAR COMPANY

Assignor

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: DELAWARE

Address: 452 FIFTH AVENUE
14TH FLOOR
NEW YORK, NEW YORK 10018

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4423/0858

Pages: 26

Date Recorded: Dec. 02, 2010

Supporting Documents: assignment-tm-4423-0858.pdf

Name: BALANCE BAR COMPANY

Assignor

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: UNITED STATES

Address: 281 TRESSER BOULEVARD
4TH FLOOR
STAMFORD, CONNECTICUT 06901

Correspondent

Correspondent Name: JACQUELINE P. SCHEIB

Correspondent Address: 280 TRUMBULL STREET
ROBINSON & COLE LLP
HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456

Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: assignment-tm-4902-0456.pdf

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Assignor

Execution Date: Nov. 14, 2012

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: DELAWARE

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Organized:

Address: 115 E. STEVENS AVENUE
SUITE 202
VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Pages: 5

Date Recorded: Nov. 26, 2012

Supporting Documents: [assignment-tm-4906-0668.pdf](#)

Assignor

Name: WEBSTER BANK, NATIONAL ASSOCIATION

Execution Date: Nov. 26, 2012

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: DELAWARE

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: SUITE 202
115 E. STEVENS AVENUE
VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: 1633 BROADWAY
NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: 91212477

Filing Date: Sep 14, 2013

Status: Pending

Status Date: Sep 14, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: JOHANNA M WILBERT
QUARLES & BRADY LLP
411 E WISCONSIN AVE, SUITE 2040
MILWAUKEE WI , 53202-4497
UNITED STATES

Correspondent e-mail: tm-dept@quarles.com , johanna.wilbert@quarles.com , david.cross@quarles.com , DRC@quarles.com , marta.levine@quarles.com , andrea.fowler@quarles.com

Associated marks

Mark

Application Status

Serial
Number

Registration
Number

EARTH BALANCE

Opposition Pending

85751520

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET , #605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com , gschroeder@schroederlawpc.com

Associated marks

Mark

Application Status

Serial

Registration

		Number	Number
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE PURE	Registered	<u>77734900</u>	<u>3760265</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 14, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 14, 2013	Oct 24, 2013
3	PENDING, INSTITUTED	Sep 14, 2013	
4	ANSWER	Oct 10, 2013	
5	STIPULATED PROTECTIVE ORDER	Feb 18, 2014	
6	TRIAL DATES REMAIN AS SET	Feb 20, 2014	
7	P MOT FOR EXT W/ CONSENT	Apr 15, 2014	
8	EXTENSION OF TIME GRANTED	Apr 16, 2014	
9	CORRECTION TO SCHEDULE	Apr 21, 2014	
10	D EXPERT DISCLOSURES	Apr 22, 2014	
11	P REBUTTAL DISCLOSURES	May 27, 2014	
12	D EXPERT DISCLOSURES	Jun 19, 2014	
13	STIP FOR INTRO OF EVIDENCE	Aug 06, 2014	
14	TRIAL DATES REMAIN AS SET	Aug 14, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91203829

Filing Date: Feb 14, 2012

Status: Terminated

Status Date: Apr 03, 2014

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Doctor pHresh Nutritionals, L.L.C.

Correspondent Address: FARLEY I WEISS AND MARK H WEISS
WEISS MOY PC
4204 N BROWN AVE
SCOTTSDALE AZ , 85251 3914
UNITED STATES

Correspondent e-mail: kmotolenich@weissiplaw.com, gmarinelli@weissiplaw.com, fweiss@weissiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PHRESH BALANCE	Abandoned - After Inter-Partes Decision	<u>85175388</u>	
	Plaintiff(s)		

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER ST 605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com, gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>

BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE PURE	Registered	<u>77734900</u>	<u>3760265</u>
BALANCE	Fifth Extension - Granted	<u>85099094</u>	
BALANCE BAR	Fifth Extension - Granted	<u>85099118</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 14, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 14, 2012	Mar 25, 2012
3	PENDING, INSTITUTED	Feb 14, 2012	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 16, 2012	
5	EXTENSION OF TIME GRANTED	Mar 16, 2012	
6	STIPULATION FOR AN EXTENSION OF TIME	May 18, 2012	
7	EXTENSION OF TIME GRANTED	May 18, 2012	
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 21, 2012	
9	EXTENSION OF TIME GRANTED	Jul 21, 2012	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2012	
11	EXTENSION OF TIME GRANTED	Aug 15, 2012	
12	STIPULATION FOR AN EXTENSION OF TIME	Oct 12, 2012	
13	EXTENSION OF TIME GRANTED	Oct 12, 2012	
14	STIPULATION FOR AN EXTENSION OF TIME	Dec 14, 2012	
15	EXTENSION OF TIME GRANTED	Dec 14, 2012	
16	NOTICE OF DEFAULT	Apr 08, 2013	
17	D MOT TO SET ASIDE DEFAULT/ACCEPT LATE ANSWER	Apr 23, 2013	
18	PROCEEDINGS RESUMED	May 17, 2013	
19	D MOT FOR EXT W/ CONSENT	Jun 10, 2013	
20	EXTENSION OF TIME GRANTED	Jun 27, 2013	
21	P APPEARANCE / POWER OF ATTORNEY	Aug 12, 2013	
22	P MOT FOR EXT W/ CONSENT	Aug 12, 2013	
23	EXTENSION OF TIME GRANTED	Aug 27, 2013	
24	D MOT FOR EXT W/ CONSENT	Nov 11, 2013	
25	TRIAL DATES REMAIN AS SET	Dec 12, 2013	
26	P RESP TO BD ORDER/INQUIRY	Dec 17, 2013	
27	EXTENSION OF TIME GRANTED	Jan 09, 2014	
28	NOTICE OF DEFAULT	Feb 07, 2014	
29	BD DECISION: SUSTAINED	Apr 03, 2014	
30	TERMINATED	Apr 03, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91197748

Filing Date: Dec 07, 2010

Status: Pending

Status Date: Dec 07, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: MARTA S LEVINE
QUARLES & BRADY LLP
411 EAST WISCONSIN AVE
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: marta.levine@quarles.com , david.cross@quarles.com , tm-dept@quarles.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Opposition Pending Plaintiff(s)	<u>77864268</u>	

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET, #605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: doctet@schroederlawpc.com, gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 07, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 08, 2010	Jan 17, 2011
3	PENDING, INSTITUTED	Dec 08, 2010	
4	ANSWER	Jan 12, 2011	
5	MOTION TO CONSOLIDATE	Jan 28, 2011	
6	CONSOLIDATED - CHILD OF 91196954	Feb 07, 2011	
7	CHANGE OF CORRESPONDENCE ADDRESS	Oct 06, 2011	
8	APPEARANCE	Nov 17, 2011	
9	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013	

EXHIBIT A5

Generated on: This page was generated by TSDR on 2014-08-18 20:48:15 EDT

Mark: BALANCE BAR

BALANCE BAR

US Serial Number: 78416165

Application Filing Date: May 10, 2004

US Registration Number: 3036771

Registration Date: Dec. 27, 2005

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Apr. 18, 2011

Publication Date: Jan. 25, 2005

Notice of Allowance Date: Apr. 19, 2005

Mark Information

Mark Literal Elements: BALANCE BAR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "BAR"

Related Properties Information

Claimed Ownership of US
Registrations: 2659753

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Protein-based, nutrient-dense snack bars

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 2005

Use in Commerce: Jul. 2005

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Balance Bar Company

Owner Address: Suite 202
115 E. Stevens Avenue
Valhalla, NEW YORK 10595
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record**Attorney Name:** Lee Grosskreuz Hechtel**Attorney Primary Email Address:** lhechtel@nbty.com**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** Lee Grosskreuz Hechtel
NBTY, Inc.
2100 Smithtown Avenue
Legal Dept.
Ronkonkoma, NEW YORK 11779
UNITED STATES**Phone:** 6312187335**Fax:** 6312187341**Correspondent e-mail:** lhechtel@nbty.com speysekhman@nbty.com**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found**

Prosecution History

Date	Description	Proceeding Number
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 18, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Apr. 18, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Apr. 06, 2011	TEAS SECTION 8 & 15 RECEIVED	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 14, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 14, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 27, 2005	REGISTERED-PRINCIPAL REGISTER	
Nov. 12, 2005	LAW OFFICE REGISTRATION REVIEW COMPLETED	68658
Nov. 04, 2005	ASSIGNED TO LIE	68658
Nov. 02, 2005	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 01, 2005	STATEMENT OF USE PROCESSING COMPLETE	71280
Oct. 18, 2005	USE AMENDMENT FILED	71280
Oct. 18, 2005	TEAS STATEMENT OF USE RECEIVED	
Apr. 19, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 25, 2005	PUBLISHED FOR OPPOSITION	
Jan. 05, 2005	NOTICE OF PUBLICATION	
Nov. 29, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	76539
Nov. 26, 2004	ASSIGNED TO LIE	76539
Nov. 22, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 22, 2004	ASSIGNED TO EXAMINER	69811
May 18, 2004	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted**Affidavit of Incontestability:** Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None
File Location

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: Balance Bar Company

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4414/0199

Pages: 25

Date Recorded: Nov. 15, 2010

Supporting Documents: assignment-tm-4414-0199.pdf**Assignor**Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE**Assignee**Name: HSBC MEZZANINE PARTNERS USA, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: DELAWAREAddress: 452 FIFTH AVENUE
14TH FLOOR
NEW YORK, NEW YORK 10018**Correspondent**

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4423/0858

Pages: 26

Date Recorded: Dec. 02, 2010

Supporting Documents: assignment-tm-4423-0858.pdf**Assignor**Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE**Assignee**Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: UNITED STATESAddress: 281 TRESSER BOULEVARD
4TH FLOOR
STAMFORD, CONNECTICUT 06901**Correspondent**

Correspondent Name: JACQUELINE P. SCHEIB

Correspondent Address: 280 TRUMBULL STREET
ROBINSON & COLE LLP
HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456

Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: assignment-tm-4902-0456.pdf**Assignor**Name: HSBC MEZZANINE PARTNERS USA, L.P.

Execution Date: Nov. 14, 2012

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: DELAWARE**Assignee**

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 E. STEVENS AVENUE
SUITE 202
VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Pages: 5

Date Recorded: Nov. 26, 2012

Supporting Documents: [assignment-tm-4906-0668.pdf](#)

Assignor

Name: WEBSTER BANK, NATIONAL ASSOCIATION

Execution Date: Nov. 26, 2012

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: DELAWARE

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: SUITE 202
115 E. STEVENS AVENUE
VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: 1633 BROADWAY
NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 7

Type of Proceeding: Opposition

Proceeding Number: 91212477

Filing Date: Sep 14, 2013

Status: Pending

Status Date: Sep 14, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: JOHANNA M WILBERT
QUARLES & BRADY LLP
411 E WISCONSIN AVE, SUITE 2040
MILWAUKEE WI, 53202-4497
UNITED STATES

Correspondent e-mail: tm-dept@quarles.com, johanna.wilbert@quarles.com, david.cross@quarles.com, DRC@quarles.com, marta.levine@quarles.com, andrea.fowler@quarles.com

Associated marks

Mark

Application Status

Serial
Number

Registration
Number

EARTH BALANCE

Opposition Pending

85751520

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET, #605
BABYLON NY, 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com, gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE PURE	Registered	<u>77734900</u>	<u>3760265</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 14, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 14, 2013	Oct 24, 2013
3	PENDING, INSTITUTED	Sep 14, 2013	
4	ANSWER	Oct 10, 2013	
5	STIPULATED PROTECTIVE ORDER	Feb 18, 2014	
6	TRIAL DATES REMAIN AS SET	Feb 20, 2014	
7	P MOT FOR EXT W/ CONSENT	Apr 15, 2014	
8	EXTENSION OF TIME GRANTED	Apr 16, 2014	
9	CORRECTION TO SCHEDULE	Apr 21, 2014	
10	D EXPERT DISCLOSURES	Apr 22, 2014	
11	P REBUTTAL DISCLOSURES	May 27, 2014	
12	D EXPERT DISCLOSURES	Jun 19, 2014	
13	STIP FOR INTRO OF EVIDENCE	Aug 06, 2014	
14	TRIAL DATES REMAIN AS SET	Aug 14, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91203829

Filing Date: Feb 14, 2012

Status: Terminated

Status Date: Apr 03, 2014

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Doctor pHresh Nutritionals, L.L.C.

Correspondent Address: FARLEY I WEISS AND MARK H WEISS
WEISS MOY PC
4204 N BROWN AVE
SCOTTSDALE AZ , 85251 3914
UNITED STATES

Correspondent e-mail: kmotolenich@weissiplaw.com,gmarinelli@weissiplaw.com,fweiss@weissiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PHRESH BALANCE	Abandoned - After Inter-Partes Decision Plaintiff(s)	<u>85175388</u>	

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER ST 605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com,gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE PURE	Registered	<u>77734900</u>	<u>3760265</u>
BALANCE	Fifth Extension - Granted	<u>85099094</u>	
BALANCE BAR	Fifth Extension - Granted	<u>85099118</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 14, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 14, 2012	Mar 25, 2012
3	PENDING, INSTITUTED	Feb 14, 2012	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 16, 2012	
5	EXTENSION OF TIME GRANTED	Mar 16, 2012	
6	STIPULATION FOR AN EXTENSION OF TIME	May 18, 2012	
7	EXTENSION OF TIME GRANTED	May 18, 2012	
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 21, 2012	
9	EXTENSION OF TIME GRANTED	Jul 21, 2012	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2012	
11	EXTENSION OF TIME GRANTED	Aug 15, 2012	
12	STIPULATION FOR AN EXTENSION OF TIME	Oct 12, 2012	
13	EXTENSION OF TIME GRANTED	Oct 12, 2012	
14	STIPULATION FOR AN EXTENSION OF TIME	Dec 14, 2012	
15	EXTENSION OF TIME GRANTED	Dec 14, 2012	
16	NOTICE OF DEFAULT	Apr 08, 2013	
17	D MOT TO SET ASIDE DEFAULT/ACCEPT LATE ANSWER	Apr 23, 2013	
18	PROCEEDINGS RESUMED	May 17, 2013	
19	D MOT FOR EXT W/ CONSENT	Jun 10, 2013	
20	EXTENSION OF TIME GRANTED	Jun 27, 2013	
21	P APPEARANCE / POWER OF ATTORNEY	Aug 12, 2013	
22	P MOT FOR EXT W/ CONSENT	Aug 12, 2013	
23	EXTENSION OF TIME GRANTED	Aug 27, 2013	
24	D MOT FOR EXT W/ CONSENT	Nov 11, 2013	
25	TRIAL DATES REMAIN AS SET	Dec 12, 2013	
26	P RESP TO BD ORDER/INQUIRY	Dec 17, 2013	
27	EXTENSION OF TIME GRANTED	Jan 09, 2014	
28	NOTICE OF DEFAULT	Feb 07, 2014	
29	BD DECISION: SUSTAINED	Apr 03, 2014	
30	TERMINATED	Apr 03, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91197748

Filing Date: Dec 07, 2010

Status: Pending

Status Date: Dec 07, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant**Name:** GFA Brands, Inc.**Correspondent Address:** MARTA S LEVINE
QUARLES & BRADY LLP
411 EAST WISCONSIN AVE
MILWAUKEE WI , 53202
UNITED STATES**Correspondent e-mail:** marta.levine@quarles.com , david.cross@quarles.com , tm-dept@quarles.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Opposition Pending Plaintiff(s)	<u>77864268</u>	

Name: Balance Bar Company**Correspondent Address:** R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET, #605
BABYLON NY , 11702
UNITED STATES**Correspondent e-mail:** docket@schroederlawpc.com, gschroeder@schroederlawpc.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 07, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 08, 2010	Jan 17, 2011
3	PENDING, INSTITUTED	Dec 08, 2010	
4	ANSWER	Jan 12, 2011	
5	MOTION TO CONSOLIDATE	Jan 28, 2011	
6	CONSOLIDATED - CHILD OF 91196954	Feb 07, 2011	
7	CHANGE OF CORRESPONDENCE ADDRESS	Oct 06, 2011	
8	APPEARANCE	Nov 17, 2011	
9	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013	

Type of Proceeding: Opposition**Proceeding Number:** 91191491**Filing Date:** Aug 11, 2009**Status:** Terminated**Status Date:** Feb 17, 2010**Interlocutory Attorney:** MARY CATHERINE FAINT**Defendant****Name:** DSM IP Assets B.V.**Correspondent Address:** Duane M. Byers
Nixon & Vanderhye P.C.
901 North Glebe Road, Suite 1100
Arlington VA , 22203
UNITED STATES**Correspondent e-mail:** nixonptomail@nixonvan.com , dmb@nixonvan.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
PEP2BALANCE	IR CANCELLED; US APPLICATION	<u>79053062</u>	

ABANDONED

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: David I. Greenbaum
Edwards Angell Palmer & Dodge LLP
FDR Station P.O. Box 130
New York NY, 10150
UNITED STATES

Correspondent e-mail: trademark@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 11, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 13, 2009	Sep 22, 2009
3	PENDING, INSTITUTED	Aug 13, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Sep 11, 2009	
5	EXTENSION OF TIME GRANTED	Sep 11, 2009	
6	STIPULATION FOR AN EXTENSION OF TIME	Oct 15, 2009	
7	EXTENSION OF TIME GRANTED	Oct 15, 2009	
8	CHANGE OF CORRESPONDENCE ADDRESS	Dec 03, 2009	
9	NOTICE OF DEFAULT	Dec 24, 2009	
10	BOARD'S DECISION: SUSTAINED	Feb 17, 2010	
11	TERMINATED	Feb 17, 2010	

Type of Proceeding: Opposition

Proceeding Number: 91188830

Filing Date: Feb 12, 2009

Status: Terminated

Status Date: Nov 06, 2009

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Corporacion Industrial Alimenticia, S.A. de C.V.

Correspondent Address: JEFFREY A. SMITH
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD STE 1400
ARLINGTON VA, 22201-3360
UNITED STATES

Correspondent e-mail: Culver@mwzb.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE BIO 3	Registered	<u>77268767</u>	<u>4268437</u>

Plaintiff(s)

Name: BALANCE BAR COMPANY

Correspondent Address: TMSU
Morgan Lewis & Bockius LLP
1111 Pennsylvania Avenue NW
Washington DC, 20004
UNITED STATES

Correspondent e-mail: trademarks@morganlewis.com, kbutcher@morganlewis.com, kaltoff@morganlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 12, 2009	Mar 24, 2009
3	PENDING, INSTITUTED	Feb 12, 2009	
4	ANSWER	Mar 24, 2009	
5	MOTION TO CONSOLIDATE	Mar 24, 2009	
6	CONSOLIDATION GRANTED	Mar 25, 2009	
7	APPEARANCE	May 27, 2009	
8	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Jun 04, 2009	
9	SUSPENDED	Jun 04, 2009	
10	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Aug 10, 2009	
11	SUSPENDED	Aug 10, 2009	
12	MOTION TO AMEND APPLICATION	Oct 30, 2009	
13	RESPONSE DUE 30 DAYS (DUE DATE)	Nov 06, 2009	Dec 06, 2009
14	WITHDRAWAL OF OPPOSITION	Nov 06, 2009	
15	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 06, 2009	
16	TERMINATED	Nov 06, 2009	

Type of Proceeding: Opposition

Proceeding Number: 91188832

Filing Date: Feb 12, 2009

Status: Terminated

Status Date: Apr 20, 2009

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: PHARMAVITE LLC

Correspondent Address: STANLEY W. SOKOLOFF
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD 7TH FLOOR
LOS ANGELES CA , 90025-1040
UNITED STATES

Correspondent e-mail: tm_filings@bstz.com , daniel_russell@bstz.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EQUOL BALANCE	Abandoned - No Statement Of Use Filed	<u>77540338</u>	

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: Susan H. Frohling
BALANCE BAR COMPANY
Three Lakes Drive
Northfield IL , 60093
UNITED STATES

Correspondent e-mail: sfrohling@Kraft.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 12, 2009	Mar 24, 2009
3	PENDING, INSTITUTED	Feb 12, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 17, 2009	
5	EXTENSION OF TIME GRANTED	Mar 17, 2009	
6	MOTION TO AMEND APPLICATION	Apr 13, 2009	
7	RESPONSE DUE 30 DAYS (DUE DATE)	Apr 15, 2009	May 15, 2009
8	WITHDRAWAL OF OPPOSITION	Apr 17, 2009	
9	BD'S DECISION: DISMISSED W/ PREJUDICE	Apr 20, 2009	
10	TERMINATED	Apr 20, 2009	

Type of Proceeding: Opposition

Proceeding Number: 91188840

Filing Date: Feb 12, 2009

Status: Terminated

Status Date: Nov 06, 2009

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Corporacion Industrial Alimenticia, S.A. de C.V.

Correspondent Address: JEFFREY A. SMITH
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD, STE 1400
ARLINGTON VA, 22201-3360
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE BIO 3 REDUCE	Registered	<u>77268774</u>	<u>4268438</u>

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: SUSAN H. FROHLING
BALANCE BAR COMPANY
THREE LAKES DRIVE
NORTHFIELD IL, 60093
UNITED STATES

Correspondent e-mail: trademark@kraft.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 13, 2009	Mar 25, 2009
3	PENDING, INSTITUTED	Feb 13, 2009	
4	ANSWER	Mar 24, 2009	
5	MOTION TO CONSOLIDATE	Mar 24, 2009	
6	CONSOLIDATION GRANTED	Mar 25, 2009	
7	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 06, 2009	
8	TERMINATED	Nov 06, 2009	

EXHIBIT A6

Generated on: This page was generated by TSDR on 2014-08-18 20:54:29 EDT

Mark: BALANCE BARE

BALANCE BARE

US Serial Number: 77053653 Application Filing Date: Nov. 30, 2006
US Registration Number: 3436917 Registration Date: May 27, 2008
Filed as TEAS Plus: Yes Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: May 27, 2008
Publication Date: May 08, 2007 Notice of Allowance Date: Jul. 31, 2007

Mark Information

Mark Literal Elements: BALANCE BARE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Protein based, nutrient-dense snack bars

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 20, 2007

Use in Commerce: Mar. 20, 2007

For: Grain-based food bars also containing fruits and nuts

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 20, 2007

Use in Commerce: Mar. 20, 2007

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Balance Bar Company
Owner Address: Suite 202
115 E. Stevens Avenue
Valhalla, NEW YORK 10595
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record**Attorney Name:** Lee Grosskreuz Hechtel**Attorney Primary Email Address:** lhechtel@nbty.com**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** Lee Grosskreuz Hechtel
NBTY, Inc.
2100 Smithtown Avenue
Legal Dept.
Ronkonkoma, NEW YORK 11779
UNITED STATES**Phone:** 6312187335**Fax:** 6312187341**Correspondent e-mail:** lhechtel@nbty.com speysekhman@nbty.com**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found**

Prosecution History

Date	Description	Proceeding Number
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 14, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 14, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 27, 2008	REGISTERED-PRINCIPAL REGISTER	
Apr. 23, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	70629
Apr. 22, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 31, 2008	STATEMENT OF USE PROCESSING COMPLETE	61813
Mar. 04, 2008	USE AMENDMENT FILED	61813
Mar. 04, 2008	TEAS STATEMENT OF USE RECEIVED	
Feb. 28, 2008	EXTENSION 1 GRANTED	76874
Jan. 31, 2008	EXTENSION 1 FILED	76874
Feb. 26, 2008	EXTENSION RECEIVED WITH TEAS PETITION	
Feb. 26, 2008	PETITION TO REVIVE-GRANTED	88889
Feb. 26, 2008	TEAS PETITION TO REVIVE RECEIVED	
Jul. 31, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
May 23, 2007	ASSIGNED TO EXAMINER	78426
May 08, 2007	PUBLISHED FOR OPPOSITION	
Apr. 18, 2007	NOTICE OF PUBLICATION	
Mar. 10, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	70629
Mar. 10, 2007	ASSIGNED TO LIE	70629
Feb. 12, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 05, 2007	ASSIGNED TO EXAMINER	73358
Dec. 05, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None**File Location****Current Location:** PUBLICATION AND ISSUE SECTION**Date in Location:** Apr. 23, 2008

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: Balance Bar Company

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4414/0199

Pages: 25

Date Recorded: Nov. 15, 2010

Supporting Documents: assignment-tm-4414-0199.pdf**Assignor**Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE**Assignee**Name: HSBC MEZZANINE PARTNERS USA, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: DELAWAREAddress: 452 FIFTH AVENUE
14TH FLOOR
NEW YORK, NEW YORK 10018**Correspondent**

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4423/0858

Pages: 26

Date Recorded: Dec. 02, 2010

Supporting Documents: assignment-tm-4423-0858.pdf**Assignor**Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE**Assignee**Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: UNITED STATESAddress: 281 TRESSER BOULEVARD
4TH FLOOR
STAMFORD, CONNECTICUT 06901**Correspondent**

Correspondent Name: JACQUELINE P. SCHEIB

Correspondent Address: 280 TRUMBULL STREET
ROBINSON & COLE LLP
HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456

Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: assignment-tm-4902-0456.pdf**Assignor**Name: HSBC MEZZANINE PARTNERS USA, L.P.

Execution Date: Nov. 14, 2012

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: DELAWARE**Assignee**Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWAREAddress: 115 E. STEVENS AVENUE
SUITE 202

VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Pages: 5

Date Recorded: Nov. 26, 2012

Supporting Documents: [assignment-tm-4906-0668.pdf](#)

Assignor

Name: WEBSTER BANK, NATIONAL ASSOCIATION

Execution Date: Nov. 26, 2012

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: DELAWARE

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: SUITE 202
115 E. STEVENS AVENUE
VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: 1633 BROADWAY
NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 7

Type of Proceeding: Opposition

Proceeding Number: 91212477

Filing Date: Sep 14, 2013

Status: Pending

Status Date: Sep 14, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: JOHANNA M WILBERT
QUARLES & BRADY LLP
411 E WISCONSIN AVE, SUITE 2040
MILWAUKEE WI , 53202-4497
UNITED STATES

Correspondent e-mail: tm-dept@quarles.com , johanna.wilbert@quarles.com , david.cross@quarles.com , DRC@quarles.com , marta.levine@quarles.com , andrea.fowler@quarles.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EARTH BALANCE	Opposition Pending Plaintiff(s)	85751520	

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET , #605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com , gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE GOLD	Renewed	75854595	2636101

BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE PURE	Registered	<u>77734900</u>	<u>3760265</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 14, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 14, 2013	Oct 24, 2013
3	PENDING, INSTITUTED	Sep 14, 2013	
4	ANSWER	Oct 10, 2013	
5	STIPULATED PROTECTIVE ORDER	Feb 18, 2014	
6	TRIAL DATES REMAIN AS SET	Feb 20, 2014	
7	P MOT FOR EXT W/ CONSENT	Apr 15, 2014	
8	EXTENSION OF TIME GRANTED	Apr 16, 2014	
9	CORRECTION TO SCHEDULE	Apr 21, 2014	
10	D EXPERT DISCLOSURES	Apr 22, 2014	
11	P REBUTTAL DISCLOSURES	May 27, 2014	
12	D EXPERT DISCLOSURES	Jun 19, 2014	
13	STIP FOR INTRO OF EVIDENCE	Aug 06, 2014	
14	TRIAL DATES REMAIN AS SET	Aug 14, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91203829

Filing Date: Feb 14, 2012

Status: Terminated

Status Date: Apr 03, 2014

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Doctor pHresh Nutritionals, L.L.C.

Correspondent Address: FARLEY I WEISS AND MARK H WEISS
WEISS MOY PC
4204 N BROWN AVE
SCOTTSDALE AZ , 85251 3914
UNITED STATES

Correspondent e-mail: kmotolenich@weissiplaw.com, gmarinelli@weissiplaw.com, fweiss@weissiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PHRESH BALANCE	Abandoned - After Inter-Partes Decision	<u>85175388</u>	

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER ST 605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com, gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>

BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE PURE	Registered	<u>77734900</u>	<u>3760265</u>
BALANCE	Fifth Extension - Granted	<u>85099094</u>	
BALANCE BAR	Fifth Extension - Granted	<u>85099118</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 14, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 14, 2012	Mar 25, 2012
3	PENDING, INSTITUTED	Feb 14, 2012	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 16, 2012	
5	EXTENSION OF TIME GRANTED	Mar 16, 2012	
6	STIPULATION FOR AN EXTENSION OF TIME	May 18, 2012	
7	EXTENSION OF TIME GRANTED	May 18, 2012	
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 21, 2012	
9	EXTENSION OF TIME GRANTED	Jul 21, 2012	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2012	
11	EXTENSION OF TIME GRANTED	Aug 15, 2012	
12	STIPULATION FOR AN EXTENSION OF TIME	Oct 12, 2012	
13	EXTENSION OF TIME GRANTED	Oct 12, 2012	
14	STIPULATION FOR AN EXTENSION OF TIME	Dec 14, 2012	
15	EXTENSION OF TIME GRANTED	Dec 14, 2012	
16	NOTICE OF DEFAULT	Apr 08, 2013	
17	D MOT TO SET ASIDE DEFAULT/ACCEPT LATE ANSWER	Apr 23, 2013	
18	PROCEEDINGS RESUMED	May 17, 2013	
19	D MOT FOR EXT W/ CONSENT	Jun 10, 2013	
20	EXTENSION OF TIME GRANTED	Jun 27, 2013	
21	P APPEARANCE / POWER OF ATTORNEY	Aug 12, 2013	
22	P MOT FOR EXT W/ CONSENT	Aug 12, 2013	
23	EXTENSION OF TIME GRANTED	Aug 27, 2013	
24	D MOT FOR EXT W/ CONSENT	Nov 11, 2013	
25	TRIAL DATES REMAIN AS SET	Dec 12, 2013	
26	P RESP TO BD ORDER/INQUIRY	Dec 17, 2013	
27	EXTENSION OF TIME GRANTED	Jan 09, 2014	
28	NOTICE OF DEFAULT	Feb 07, 2014	
29	BD DECISION: SUSTAINED	Apr 03, 2014	
30	TERMINATED	Apr 03, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91197748

Filing Date: Dec 07, 2010

Status: Pending

Status Date: Dec 07, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: MARTA S LEVINE
QUARLES & BRADY LLP

411 EAST WISCONSIN AVE
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: marta.levine@quarles.com , david.cross@quarles.com , tm-dept@quarles.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Opposition Pending Plaintiff(s)	<u>77864268</u>	

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET, #605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com, gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 07, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 08, 2010	Jan 17, 2011
3	PENDING, INSTITUTED	Dec 08, 2010	
4	ANSWER	Jan 12, 2011	
5	MOTION TO CONSOLIDATE	Jan 28, 2011	
6	CONSOLIDATED - CHILD OF 91196954	Feb 07, 2011	
7	CHANGE OF CORRESPONDENCE ADDRESS	Oct 06, 2011	
8	APPEARANCE	Nov 17, 2011	
9	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013	

Type of Proceeding: Opposition

Proceeding Number: 91191491

Filing Date: Aug 11, 2009

Status: Terminated

Status Date: Feb 17, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: DSM IP Assets B.V.

Correspondent Address: Duane M. Byers
Nixon & Vanderhye P.C.
901 North Glebe Road, Suite 1100
Arlington VA , 22203
UNITED STATES

Correspondent e-mail: nixonptomail@nixonvan.com , dmb@nixonvan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PEP2BALANCE	IR CANCELLED; US APPLICATION ABANDONED Plaintiff(s)	<u>79053062</u>	

Name: Balance Bar Company

Correspondent Address: David I. Greenbaum

Edwards Angell Palmer & Dodge LLP
FDR Station P.O. Box 130
New York NY, 10150
UNITED STATES

Correspondent e-mail: trademark@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 11, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 13, 2009	Sep 22, 2009
3	PENDING, INSTITUTED	Aug 13, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Sep 11, 2009	
5	EXTENSION OF TIME GRANTED	Sep 11, 2009	
6	STIPULATION FOR AN EXTENSION OF TIME	Oct 15, 2009	
7	EXTENSION OF TIME GRANTED	Oct 15, 2009	
8	CHANGE OF CORRESPONDENCE ADDRESS	Dec 03, 2009	
9	NOTICE OF DEFAULT	Dec 24, 2009	
10	BOARD'S DECISION: SUSTAINED	Feb 17, 2010	
11	TERMINATED	Feb 17, 2010	

Type of Proceeding: Opposition

Proceeding Number: 91188830

Filing Date: Feb 12, 2009

Status: Terminated

Status Date: Nov 06, 2009

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Corporacion Industrial Alimenticia, S.A. de C.V.

Correspondent Address: JEFFREY A. SMITH
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD STE 1400
ARLINGTON VA, 22201-3360
UNITED STATES

Correspondent e-mail: Culver@mwzb.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE BIO 3	Registered	<u>77268767</u>	<u>4268437</u>

Plaintiff(s)

Name: BALANCE BAR COMPANY

Correspondent Address: TMSU
Morgan Lewis & Bockius LLP
1111 Pennsylvania Avenue NW
Washington DC, 20004
UNITED STATES

Correspondent e-mail: trademarks@morganlewis.com, kbutcher@morganlewis.com, kaltoff@morganlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>

BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 12, 2009	Mar 24, 2009
3	PENDING, INSTITUTED	Feb 12, 2009	
4	ANSWER	Mar 24, 2009	
5	MOTION TO CONSOLIDATE	Mar 24, 2009	
6	CONSOLIDATION GRANTED	Mar 25, 2009	
7	APPEARANCE	May 27, 2009	
8	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Jun 04, 2009	
9	SUSPENDED	Jun 04, 2009	
10	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Aug 10, 2009	
11	SUSPENDED	Aug 10, 2009	
12	MOTION TO AMEND APPLICATION	Oct 30, 2009	
13	RESPONSE DUE 30 DAYS (DUE DATE)	Nov 06, 2009	Dec 06, 2009
14	WITHDRAWAL OF OPPOSITION	Nov 06, 2009	
15	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 06, 2009	
16	TERMINATED	Nov 06, 2009	

Type of Proceeding: Opposition

Proceeding Number: 91188832

Filing Date: Feb 12, 2009

Status: Terminated

Status Date: Apr 20, 2009

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: PHARMAVITE LLC

Correspondent Address: STANLEY W. SOKOLOFF
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD 7TH FLOOR
LOS ANGELES CA , 90025-1040
UNITED STATES

Correspondent e-mail: tm_filings@bstz.com , daniel_russell@bstz.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EQUOL BALANCE	Abandoned - No Statement Of Use Filed Plaintiff(s)	<u>77540338</u>	

Name: Balance Bar Company

Correspondent Address: Susan H. Frohling
BALANCE BAR COMPANY
Three Lakes Drive
Northfield IL , 60093
UNITED STATES

Correspondent e-mail: sfrohling@Kraft.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 12, 2009	Mar 24, 2009
3	PENDING, INSTITUTED	Feb 12, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 17, 2009	
5	EXTENSION OF TIME GRANTED	Mar 17, 2009	
6	MOTION TO AMEND APPLICATION	Apr 13, 2009	
7	RESPONSE DUE 30 DAYS (DUE DATE)	Apr 15, 2009	May 15, 2009
8	WITHDRAWAL OF OPPOSITION	Apr 17, 2009	
9	BD'S DECISION: DISMISSED W/ PREJUDICE	Apr 20, 2009	
10	TERMINATED	Apr 20, 2009	

Type of Proceeding: Opposition

Proceeding Number: 91188840

Filing Date: Feb 12, 2009

Status: Terminated

Status Date: Nov 06, 2009

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Corporacion Industrial Alimenticia, S.A. de C.V.

Correspondent Address: JEFFREY A. SMITH
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD, STE 1400
ARLINGTON VA , 22201-3360
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE BIO 3 REDUCE	Registered	<u>77268774</u>	<u>4268438</u>

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: SUSAN H. FROHLING
BALANCE BAR COMPANY
THREE LAKES DRIVE
NORTHFIELD IL , 60093
UNITED STATES

Correspondent e-mail: trademark@kraft.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 13, 2009	Mar 25, 2009
3	PENDING, INSTITUTED	Feb 13, 2009	
4	ANSWER	Mar 24, 2009	
5	MOTION TO CONSOLIDATE	Mar 24, 2009	
6	CONSOLIDATION GRANTED	Mar 25, 2009	
7	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 06, 2009	
8	TERMINATED	Nov 06, 2009	

EXHIBIT A7

Generated on: This page was generated by TSDR on 2014-08-18 20:56:59 EDT

Mark: BALANCE PURE

BALANCE PURE

US Serial Number: 77734900

Application Filing Date: May 12, 2009

US Registration Number: 3760265

Registration Date: Mar. 16, 2010

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 16, 2010

Publication Date: Dec. 29, 2009

Mark Information

Mark Literal Elements: BALANCE PURE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: PROTEIN-BASED NUTRIENT DENSE SNACK BARS

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 31, 2008

Use in Commerce: Mar. 31, 2008

For: CEREAL BASED SNACK BARS

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 31, 2008

Use in Commerce: Mar. 31, 2008

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: BALANCE BAR COMPANY

Owner Address: Suite 202
115 E. Stevens Avenue
Valhalla, NEW YORK 10595
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lee Grosskreuz Hechtel

Attorney Primary Email lhechtel@nbty.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: Lee Grosskreuz Hechtel
NBTY, Inc.
2100 Smithtown Avenue
Legal Dept.
Ronkonkoma, NEW YORK 11779
UNITED STATES

Phone: 6312187335

Fax: 6312187341

Correspondent e-mail: lhechtel@nbty.com speysekhman@nbty.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 16, 2010	REGISTERED-PRINCIPAL REGISTER	
Dec. 29, 2009	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 29, 2009	PUBLISHED FOR OPPOSITION	
Dec. 14, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 14, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 24, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Nov. 20, 2009	ASSIGNED TO LIE	70468
Nov. 04, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 02, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 30, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 30, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 11, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 11, 2009	NON-FINAL ACTION E-MAILED	6325
Aug. 11, 2009	NON-FINAL ACTION WRITTEN	82087
Aug. 05, 2009	ASSIGNED TO EXAMINER	82087
May 15, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 15, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 16, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: BALANCE BAR COMPANY

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: [4414/0199](#)

Pages: 25

Date Recorded: Nov. 15, 2010

Supporting Documents: [assignment-tm-4414-0199.pdf](#)

Assignor
Name: BALANCE BAR COMPANY Execution Date: Nov. 15, 2010
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee
Name: HSBC MEZZANINE PARTNERS USA, L.P.
Legal Entity Type: LIMITED PARTNERSHIP State or Country Where Organized: DELAWARE

Address: 452 FIFTH AVENUE
14TH FLOOR
NEW YORK, NEW YORK 10018

Correspondent
Correspondent Name: JEFFREY R. CADWELL
Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4423/0858

Pages: 26

Date Recorded: Dec. 02, 2010

Supporting Documents: [assignment-tm-4423-0858.pdf](#)

Assignor
Name: BALANCE BAR COMPANY Execution Date: Nov. 15, 2010
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee
Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT
Legal Entity Type: NATIONAL BANKING ASSOCIATION State or Country Where Organized: UNITED STATES

Address: 281 TRESSER BOULEVARD
4TH FLOOR
STAMFORD, CONNECTICUT 06901

Correspondent
Correspondent Name: JACQUELINE P. SCHEIB
Correspondent Address: 280 TRUMBULL STREET
ROBINSON & COLE LLP
HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456

Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: [assignment-tm-4902-0456.pdf](#)

Assignor
Name: HSBC MEZZANINE PARTNERS USA, L.P. Execution Date: Nov. 14, 2012
Legal Entity Type: LIMITED PARTNERSHIP State or Country Where Organized: DELAWARE

Assignee
Name: BALANCE BAR COMPANY
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Address: 115 E. STEVENS AVENUE
SUITE 202
VALHALLA, NEW YORK 10595

Correspondent
Correspondent Name: JEFFREY R. CADWELL
Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Pages: 5

Date Recorded: Nov. 26, 2012

Supporting Documents: [assignment-tm-4906-0668.pdf](#)**Assignor**Name: WEBSTER BANK, NATIONAL ASSOCIATION

Execution Date: Nov. 26, 2012

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: DELAWARE**Assignee**Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWAREAddress: SUITE 202
115 E. STEVENS AVENUE
VALHALLA, NEW YORK 10595**Correspondent**

Correspondent Name: CLARK W. LACKERT

Correspondent Address: 1633 BROADWAY
NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings**Summary**

Number of Proceedings: 2

Type of Proceeding: OppositionProceeding Number: 91212477

Filing Date: Sep 14, 2013

Status: Pending

Status Date: Sep 14, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: JOHANNA M WILBERT
QUARLES & BRADY LLP
411 E WISCONSIN AVE, SUITE 2040
MILWAUKEE WI , 53202-4497
UNITED STATESCorrespondent e-mail: tm-dept@quarles.com , johanna.wilbert@quarles.com , david.cross@quarles.com , DRC@quarles.com , marta.levine@quarles.com , andrea.fowler@quarles.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
EARTH BALANCE	Opposition Pending Plaintiff(s)	<u>85751520</u>	

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET , #605
BABYLON NY , 11702
UNITED STATESCorrespondent e-mail: docket@schroederlawpc.com , gschroeder@schroederlawpc.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>

BALANCE PURE	Registered	<u>77734900</u>	<u>3760265</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 14, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 14, 2013	Oct 24, 2013
3	PENDING, INSTITUTED	Sep 14, 2013	
4	ANSWER	Oct 10, 2013	
5	STIPULATED PROTECTIVE ORDER	Feb 18, 2014	
6	TRIAL DATES REMAIN AS SET	Feb 20, 2014	
7	P MOT FOR EXT W/ CONSENT	Apr 15, 2014	
8	EXTENSION OF TIME GRANTED	Apr 16, 2014	
9	CORRECTION TO SCHEDULE	Apr 21, 2014	
10	D EXPERT DISCLOSURES	Apr 22, 2014	
11	P REBUTTAL DISCLOSURES	May 27, 2014	
12	D EXPERT DISCLOSURES	Jun 19, 2014	
13	STIP FOR INTRO OF EVIDENCE	Aug 06, 2014	
14	TRIAL DATES REMAIN AS SET	Aug 14, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91203829

Filing Date: Feb 14, 2012

Status: Terminated

Status Date: Apr 03, 2014

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Doctor pHresh Nutritionals, L.L.C.

Correspondent Address: FARLEY I WEISS AND MARK H WEISS
WEISS MOY PC
4204 N BROWN AVE
SCOTTSDALE AZ , 85251 3914
UNITED STATES

Correspondent e-mail: kmotolenich@weissiplaw.com,gmarinelli@weissiplaw.com,tweiss@weissiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PHRESH BALANCE	Abandoned - After Inter-Partes Decision	<u>85175388</u>	

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER ST 605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com,gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>

BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE PURE	Registered	<u>77734900</u>	<u>3760265</u>
BALANCE	Fifth Extension - Granted	<u>85099094</u>	
BALANCE BAR	Fifth Extension - Granted	<u>85099118</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 14, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 14, 2012	Mar 25, 2012
3	PENDING, INSTITUTED	Feb 14, 2012	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 16, 2012	
5	EXTENSION OF TIME GRANTED	Mar 16, 2012	
6	STIPULATION FOR AN EXTENSION OF TIME	May 18, 2012	
7	EXTENSION OF TIME GRANTED	May 18, 2012	
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 21, 2012	
9	EXTENSION OF TIME GRANTED	Jul 21, 2012	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2012	
11	EXTENSION OF TIME GRANTED	Aug 15, 2012	
12	STIPULATION FOR AN EXTENSION OF TIME	Oct 12, 2012	
13	EXTENSION OF TIME GRANTED	Oct 12, 2012	
14	STIPULATION FOR AN EXTENSION OF TIME	Dec 14, 2012	
15	EXTENSION OF TIME GRANTED	Dec 14, 2012	
16	NOTICE OF DEFAULT	Apr 08, 2013	
17	D MOT TO SET ASIDE DEFAULT/ACCEPT LATE ANSWER	Apr 23, 2013	
18	PROCEEDINGS RESUMED	May 17, 2013	
19	D MOT FOR EXT W/ CONSENT	Jun 10, 2013	
20	EXTENSION OF TIME GRANTED	Jun 27, 2013	
21	P APPEARANCE / POWER OF ATTORNEY	Aug 12, 2013	
22	P MOT FOR EXT W/ CONSENT	Aug 12, 2013	
23	EXTENSION OF TIME GRANTED	Aug 27, 2013	
24	D MOT FOR EXT W/ CONSENT	Nov 11, 2013	
25	TRIAL DATES REMAIN AS SET	Dec 12, 2013	
26	P RESP TO BD ORDER/INQUIRY	Dec 17, 2013	
27	EXTENSION OF TIME GRANTED	Jan 09, 2014	
28	NOTICE OF DEFAULT	Feb 07, 2014	
29	BD DECISION: SUSTAINED	Apr 03, 2014	
30	TERMINATED	Apr 03, 2014	

EXHIBIT A8

Generated on: This page was generated by TSDR on 2014-08-18 21:08:32 EDT

Mark: BALANCE

BALANCE

US Serial Number: 85099089

Application Filing Date: Aug. 03, 2010

US Registration Number: 3937988

Registration Date: Mar. 29, 2011

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 29, 2011

Publication Date: Jan. 11, 2011

Mark Information

Mark Literal Elements: BALANCE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 2636101, 2745850, 2868192

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Nutritional supplements; dietary food supplements

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: 1992

Use in Commerce: 1992

For: Cereal-based, rice-based, or granola-based snack bars and snack foods

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: 1992

Use in Commerce: 1992

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Balance Bar Company

Owner Address: Suite 202
115 E. Stevens Avenue
Valhalla, NEW YORK 10595
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where: DELAWARE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lee Grosskreuz Hechtel

Attorney Primary Email Address: lhechtel@nbtv.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Lee Grosskreuz Hechtel
NBTY, Inc.
2100 Smithtown Avenue
Legal Dept.
Ronkonkoma, NEW YORK 11779
UNITED STATES

Phone: 6312187335

Fax: 6312187341

Correspondent e-mail: lhechtel@nbtv.com speysekman@nbtv.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 29, 2011	REGISTERED-PRINCIPAL REGISTER	
Jan. 11, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 11, 2011	PUBLISHED FOR OPPOSITION	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 06, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Dec. 04, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 30, 2010	EXAMINER'S AMENDMENT ENTERED	77312
Nov. 30, 2010	ASSIGNED TO LIE	77312
Nov. 30, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Nov. 30, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 30, 2010	EXAMINERS AMENDMENT -WRITTEN	81111
Nov. 17, 2010	ASSIGNED TO EXAMINER	81111
Aug. 06, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 06, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 29, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: Balance Bar Company

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: [4414/0199](#)

Pages: 25

Date Recorded: Nov. 15, 2010

Supporting Documents: [assignment-tm-4414-0199.pdf](#)

Name: BALANCE BAR COMPANY
Legal Entity Type: CORPORATION

Assignor

Execution Date: Nov. 15, 2010

State or Country Where Organized: DELAWARE

Name: HSBC MEZZANINE PARTNERS USA, L.P.
Legal Entity Type: LIMITED PARTNERSHIP

Assignee

State or Country Where Organized: DELAWARE

Address: 452 FIFTH AVENUE
14TH FLOOR
NEW YORK, NEW YORK 10018

Correspondent

Correspondent Name: JEFFREY R. CADWELL
Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4423/0858

Pages: 26

Date Recorded: Dec. 02, 2010

Supporting Documents: assignment-tm-4423-0858.pdf

Name: BALANCE BAR COMPANY
Legal Entity Type: CORPORATION

Assignor

Execution Date: Nov. 15, 2010

State or Country Where Organized: DELAWARE

Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT
Legal Entity Type: NATIONAL BANKING ASSOCIATION

Assignee

State or Country Where Organized: UNITED STATES

Address: 281 TRESSER BOULEVARD
4TH FLOOR
STAMFORD, CONNECTICUT 06901

Correspondent

Correspondent Name: JACQUELINE P. SCHEIB
Correspondent Address: 280 TRUMBULL STREET
ROBINSON & COLE LLP
HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456

Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: assignment-tm-4902-0456.pdf

Name: HSBC MEZZANINE PARTNERS USA, L.P.
Legal Entity Type: LIMITED PARTNERSHIP

Assignor

Execution Date: Nov. 14, 2012

State or Country Where Organized: DELAWARE

Name: BALANCE BAR COMPANY
Legal Entity Type: CORPORATION

Assignee

State or Country Where Organized: DELAWARE

Address: 115 E. STEVENS AVENUE
SUITE 202
VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: JEFFREY R. CADWELL
Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Pages: 5

Date Recorded: Nov. 26, 2012

Supporting Documents: assignment-tm-4906-0668.pdf

Assignor

Name: WEBSTER BANK, NATIONAL ASSOCIATION

Execution Date: Nov. 26, 2012

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: DELAWARE

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: SUITE 202
115 E. STEVENS AVENUE
VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: 1633 BROADWAY
NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 5

Type of Proceeding: Opposition

Proceeding Number: 91212477

Filing Date: Sep 14, 2013

Status: Pending

Status Date: Sep 14, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: JOHANNA M WILBERT
QUARLES & BRADY LLP
411 E WISCONSIN AVE, SUITE 2040
MILWAUKEE WI , 53202-4497
UNITED STATES

Correspondent e-mail: tm-dept@quarles.com , johanna.wilbert@quarles.com , david.cross@quarles.com , DRC@quarles.com , marta.levine@quarles.com , andrea.fowler@quarles.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EARTH BALANCE	Opposition Pending Plaintiff(s)	<u>85751520</u>	

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET , #605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com, gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE PURE	Registered	<u>77734900</u>	<u>3760265</u>

BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 14, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 14, 2013	Oct 24, 2013
3	PENDING, INSTITUTED	Sep 14, 2013	
4	ANSWER	Oct 10, 2013	
5	STIPULATED PROTECTIVE ORDER	Feb 18, 2014	
6	TRIAL DATES REMAIN AS SET	Feb 20, 2014	
7	P MOT FOR EXT W/ CONSENT	Apr 15, 2014	
8	EXTENSION OF TIME GRANTED	Apr 16, 2014	
9	CORRECTION TO SCHEDULE	Apr 21, 2014	
10	D EXPERT DISCLOSURES	Apr 22, 2014	
11	P REBUTTAL DISCLOSURES	May 27, 2014	
12	D EXPERT DISCLOSURES	Jun 19, 2014	
13	STIP FOR INTRO OF EVIDENCE	Aug 06, 2014	
14	TRIAL DATES REMAIN AS SET	Aug 14, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91203829

Filing Date: Feb 14, 2012

Status: Terminated

Status Date: Apr 03, 2014

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Doctor pHresh Nutritionals, L.L.C.

Correspondent Address: FARLEY I WEISS AND MARK H WEISS
WEISS MOY PC
4204 N BROWN AVE
SCOTTSDALE AZ , 85251 3914
UNITED STATES

Correspondent e-mail: kmotolenich@weissiplaw.com, gmarinelli@weissiplaw.com, tweiss@weissiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PHRESH BALANCE	Abandoned - After Inter-Partes Decision Plaintiff(s)	<u>85175388</u>	

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER ST 605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: doCKET@schroederlawpc.com, gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

BALANCE PURE

Registered

77734900

3760265

BALANCE

Fifth Extension - Granted

85099094

BALANCE BAR

Fifth Extension - Granted

85099118

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 14, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 14, 2012	Mar 25, 2012
3	PENDING, INSTITUTED	Feb 14, 2012	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 16, 2012	
5	EXTENSION OF TIME GRANTED	Mar 16, 2012	
6	STIPULATION FOR AN EXTENSION OF TIME	May 18, 2012	
7	EXTENSION OF TIME GRANTED	May 18, 2012	
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 21, 2012	
9	EXTENSION OF TIME GRANTED	Jul 21, 2012	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2012	
11	EXTENSION OF TIME GRANTED	Aug 15, 2012	
12	STIPULATION FOR AN EXTENSION OF TIME	Oct 12, 2012	
13	EXTENSION OF TIME GRANTED	Oct 12, 2012	
14	STIPULATION FOR AN EXTENSION OF TIME	Dec 14, 2012	
15	EXTENSION OF TIME GRANTED	Dec 14, 2012	
16	NOTICE OF DEFAULT	Apr 08, 2013	
17	D MOT TO SET ASIDE DEFAULT/ACCEPT LATE ANSWER	Apr 23, 2013	
18	PROCEEDINGS RESUMED	May 17, 2013	
19	D MOT FOR EXT W/ CONSENT	Jun 10, 2013	
20	EXTENSION OF TIME GRANTED	Jun 27, 2013	
21	P APPEARANCE / POWER OF ATTORNEY	Aug 12, 2013	
22	P MOT FOR EXT W/ CONSENT	Aug 12, 2013	
23	EXTENSION OF TIME GRANTED	Aug 27, 2013	
24	D MOT FOR EXT W/ CONSENT	Nov 11, 2013	
25	TRIAL DATES REMAIN AS SET	Dec 12, 2013	
26	P RESP TO BD ORDER/INQUIRY	Dec 17, 2013	
27	EXTENSION OF TIME GRANTED	Jan 09, 2014	
28	NOTICE OF DEFAULT	Feb 07, 2014	
29	BD DECISION: SUSTAINED	Apr 03, 2014	
30	TERMINATED	Apr 03, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91197748

Filing Date: Dec 07, 2010

Status: Pending

Status Date: Dec 07, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: MARTA S LEVINE
QUARLES & BRADY LLP
411 EAST WISCONSIN AVE
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: marta.levine@quarles.com , david.cross@quarles.com , tm-dept@quarles.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Opposition Pending Plaintiff(s)	<u>77864268</u>	

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET, #605
BABYLON NY, 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com, gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 07, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 08, 2010	Jan 17, 2011
3	PENDING, INSTITUTED	Dec 08, 2010	
4	ANSWER	Jan 12, 2011	
5	MOTION TO CONSOLIDATE	Jan 28, 2011	
6	CONSOLIDATED - CHILD OF 91196954	Feb 07, 2011	
7	CHANGE OF CORRESPONDENCE ADDRESS	Oct 06, 2011	
8	APPEARANCE	Nov 17, 2011	
9	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013	

Type of Proceeding: Opposition

Proceeding Number: 91197149

Filing Date: Oct 25, 2010

Status: Terminated

Status Date: Mar 24, 2011

Interlocutory Attorney: CHERYL A BUTLER

Defendant

Name: Lighterlife UK Limited

Correspondent Address: JEFFREY H GREGER
LOWE HAUPTMAN & BERNER LLP
1700 DIAGONAL RD STE 300
ALEXANDRIA VA, 22314-2866
UNITED STATES

Correspondent e-mail: jhgregor@jplfirm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LIGHTER LIFE LIFE IN BALANCE	Registered	<u>78816226</u>	<u>3953476</u>

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: DAVID I GREENBAUM
EDWARDS ANGELL PALMER & DODGE LLP
PO BOX 130 FDR STATION
NEW YORK NY, 10150-0130
UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>

BALANCE GOLD

BALANCE

Renewed

75854595

2636101

Registered

85099089

3937988

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 25, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 28, 2010	Dec 07, 2010
3	PENDING, INSTITUTED	Oct 28, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Dec 06, 2010	
5	EXTENSION OF TIME GRANTED	Dec 06, 2010	
6	STIPULATION FOR AN EXTENSION OF TIME	Jan 05, 2011	
7	EXTENSION OF TIME GRANTED	Jan 05, 2011	
8	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Feb 04, 2011	
9	SUSPENDED	Feb 04, 2011	
10	MOTION TO AMEND APPLICATION	Mar 07, 2011	
11	WITHDRAWAL OF OPPOSITION	Mar 07, 2011	
12	BD'S DECISION: DISMISSED W/O PREJUDICE	Mar 24, 2011	
13	TERMINATED	Mar 24, 2011	

Type of Proceeding: Opposition

Proceeding Number: 91196954

Filing Date: Oct 15, 2010

Status: Pending

Status Date: Oct 15, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: DAVID R CROSS
QUARLES BRADY LLP
411 EAST WISCONSIN AVENUE, SUITE 2350
MILWAUKEE WI , 53202 4497
UNITED STATES

Correspondent e-mail: marta.levine@quarles.com , david.cross@quarles.com , tm-dept@quarles.com , lohanna.wilbert@quarles.com , andrea.fowler@quarles.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Opposition Pending Plaintiff(s)	<u>77864206</u>	

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET, #605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com , gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 15, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 15, 2010	Nov 24, 2010
3	PENDING, INSTITUTED	Oct 15, 2010	

4	ANSWER	Nov 24, 2010
5	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 23, 2010
6	SUSPENDED	Dec 23, 2010
7	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jan 12, 2011
8	D MOT TO CONSOLIDATE	Jan 28, 2011
9	CONSOLIDATED - PARENT/TRIAL DATES RESET	Feb 07, 2011
10	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 18, 2011
11	SUSPENDED	Mar 02, 2011
12	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 10, 2011
13	EXTENSION OF TIME GRANTED	Aug 17, 2011
14	P CHANGE OF CORRESP ADDRESS	Oct 06, 2011
15	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 31, 2011
16	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 31, 2011
17	SUSPENDED	Nov 15, 2011
18	APPEARANCE	Nov 17, 2011
19	BOARD'S ORDER	Nov 26, 2011
20	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 19, 2011
21	SUSPENDED	Dec 23, 2011
22	STIPULATED PROTECTIVE ORDER	Jun 14, 2012
23	STIPULATION NOTED AND APPROVED	Jul 09, 2012
24	DF'S DISCLOSURE OF EXPERT PHILIP JOHNSON	Jul 19, 2012
25	P MOT FOR EXT W/ CONSENT	Jul 27, 2012
26	EXTENSION OF TIME GRANTED	Aug 08, 2012
27	PLAINTIFF'S MOTION	Aug 17, 2012
28	DECLARATION OF NORMAN J. MATAR	Sep 04, 2012
29	DECLARATION OF DAVID R. CROSS	Sep 04, 2012
30	D'S OPPOSITION/RESPONSE TO MOTION	Sep 04, 2012
31	P'S OPPOSITION/RESPONSE TO MOTION	Sep 17, 2012
32	TRIAL DATES RESET	Oct 16, 2012
33	P DISCLOSURE OF EXPERT JACOB JACOBY	Nov 30, 2012
34	D MOT TO COMPEL DISCOVERY	Jan 07, 2013
35	D MOT TO COMPEL DISCOVERY	Jan 07, 2013
36	D'S DECLARATION OF WILBERT SUPPORT COMPEL	Jan 07, 2013
37	D'S EXHIBIT A TO DECL OF WILBERT	Jan 07, 2013
38	D'S EXHIBIT A OF DECL OF WILBERT	Jan 07, 2013
39	D'S EXHIBIT B OF DECL OF WILBERT	Jan 07, 2013
40	D'S EXHIBIT C OF DECL OF WILBERT	Jan 07, 2013
41	D'S EXHIBIT D OF DECL OF WILBERT	Jan 07, 2013
42	D'S EXHIBIT E OF DECL OF WILBERT	Jan 07, 2013
43	D'S EXHIBIT F OF DECL OF WILBERT	Jan 07, 2013
44	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Jan 14, 2013
45	P MOT FOR EXT W/ CONSENT	Jan 28, 2013
46	EXTENSION OF TIME GRANTED	Jan 30, 2013
47	P MOT FOR EXT W/ CONSENT	Feb 08, 2013
48	EXTENSION OF TIME GRANTED	Feb 14, 2013
49	P MOT FOR EXT W/ CONSENT	Feb 21, 2013
50	EXTENSION OF TIME GRANTED	Feb 26, 2013
51	P OPP/RESP TO MOTION	Mar 28, 2013
52	P DECLARATION OF HECHTEL	Mar 28, 2013

53	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
54	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
55	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
56	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
57	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
58	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
59	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
60	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
61	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
62	PROCEEDINGS RESUMED	Aug 05, 2013
63	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013
64	P MOT FOR EXT W/ CONSENT	Aug 23, 2013
65	EXTENSION OF TIME GRANTED	Aug 29, 2013
66	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
67	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
68	D OPP/RESP TO MOTION	Nov 04, 2013
69	D OPP/RESP TO MOTION	Nov 04, 2013
70	D OPP/RESP TO MOTION	Nov 04, 2013
71	D OPP/RESP TO MOTION	Nov 04, 2013
72	D OPP/RESP TO MOTION	Nov 04, 2013
73	D OPP/RESP TO MOTION	Nov 04, 2013
74	D OPP/RESP TO MOTION	Nov 04, 2013
75	D OPP/RESP TO MOTION	Nov 04, 2013
76	D OPP/RESP TO MOTION	Nov 04, 2013
77	D OPP/RESP TO MOTION	Nov 04, 2013
78	D OPP/RESP TO MOTION	Nov 04, 2013
79	D OPP/RESP TO MOTION	Nov 04, 2013
80	D OPP/RESP TO MOTION	Nov 04, 2013
81	D OPP/RESP TO MOTION	Nov 04, 2013
82	D OPP/RESP TO MOTION	Nov 04, 2013
83	D OPP/RESP TO MOTION	Nov 04, 2013
84	D OPP/RESP TO MOTION	Nov 04, 2013
85	D OPP/RESP TO MOTION	Nov 04, 2013
86	D OPP/RESP TO MOTION	Nov 04, 2013
87	D OPP/RESP TO MOTION	Nov 04, 2013
88	D OPP/RESP TO MOTION	Nov 04, 2013
89	D OPP/RESP TO MOTION	Nov 04, 2013
90	SUSP PEND DISP OF OUTSTNDNG MOT	Nov 06, 2013
91	P REPLY IN SUPPORT OF MOTION	Nov 25, 2013
92	PROCEEDINGS RESUMED	Feb 25, 2014
93	P NOTICE OF RELIANCE	May 27, 2014
94	P NOTICE OF RELIANCE	May 27, 2014
95	P NOTICE OF RELIANCE	May 27, 2014
96	P NOTICE OF RELIANCE	May 27, 2014
97	P NOTICE OF RELIANCE	May 27, 2014
98	P NOTICE OF RELIANCE	May 27, 2014
99	P NOTICE OF RELIANCE	May 27, 2014
100	STIP REGARDING TEST EVIDENCE	Jul 28, 2014

101	D TESTIMONY	Jul 28, 2014
102	D TESTIMONY	Jul 28, 2014
103	D TESTIMONY	Jul 28, 2014
104	D NOTICE OF RELIANCE	Jul 28, 2014
105	D NOTICE OF RELIANCE	Jul 28, 2014
106	D NOTICE OF RELIANCE	Jul 28, 2014
107	D NOTICE OF RELIANCE	Jul 28, 2014
108	D NOTICE OF RELIANCE	Jul 28, 2014
109	D NOTICE OF RELIANCE	Jul 28, 2014
110	D NOTICE OF RELIANCE	Jul 28, 2014
111	D NOTICE OF RELIANCE	Jul 28, 2014
112	D NOTICE OF RELIANCE	Jul 28, 2014

EXHIBIT A9

Generated on: This page was generated by TSDR on 2014-08-18 21:10:59 EDT

Mark: BALANCE BAR

BALANCE BAR

US Serial Number: 85099106

Application Filing Date: Aug. 03, 2010

US Registration Number: 4062171

Registration Date: Nov. 29, 2011

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Nov. 29, 2011

Publication Date: Sep. 13, 2011

Mark Information

Mark Literal Elements: BALANCE BAR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "BAR"

Related Properties Information

Claimed Ownership of US Registrations: 2659753, 2999244, 3004988 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Cereal-derived, rice-based and granola-based snack bars

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 30, 1999

Use in Commerce: Jul. 30, 1999

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Balance Bar Company

Owner Address: Suite 202
115 E. Stevens Avenue
Valhalla, NEW YORK 10595
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lee Grosskreuz Hechtel

Attorney Primary Email lhechtel@nbtty.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: Lee Grosskreuz Hechtel
NBTY, Inc.
2100 Smithtown Avenue
Legal Dept.
Ronkonkoma, NEW YORK 11779
UNITED STATES

Phone: 6312187335

Fax: 6312187341

Correspondent e-mail: lhechtel@nbtty.com speysekman@nbtty.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 29, 2011	REGISTERED-PRINCIPAL REGISTER	
Sep. 13, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 13, 2011	PUBLISHED FOR OPPOSITION	
Aug. 09, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Aug. 08, 2011	ASSIGNED TO LIE	67287
Jul. 27, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 07, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 07, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 07, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 26, 2011	NOTIFICATION OF PRIORITY ACTION E-MAILED	6326
May 26, 2011	PRIORITY ACTION E-MAILED	6326
May 26, 2011	PRIORITY ACTION WRITTEN	81111
May 03, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 03, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 03, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 17, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 17, 2010	NON-FINAL ACTION E-MAILED	6325
Nov. 17, 2010	NON-FINAL ACTION WRITTEN	81111
Nov. 17, 2010	ASSIGNED TO EXAMINER	81111
Aug. 06, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 06, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 29, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: Balance Bar Company

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4414/0199

Pages: 25

Date Recorded: Nov. 15, 2010

Supporting Documents: assignment-tm-4414-0199.pdf

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: DELAWARE

Address: 452 FIFTH AVENUE
14TH FLOOR
NEW YORK, NEW YORK 10018

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4423/0858

Pages: 26

Date Recorded: Dec. 02, 2010

Supporting Documents: assignment-tm-4423-0858.pdf

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: UNITED STATES

Address: 281 TRESSER BOULEVARD
4TH FLOOR
STAMFORD, CONNECTICUT 06901

Correspondent

Correspondent Name: JACQUELINE P. SCHEIB

Correspondent Address: 280 TRUMBULL STREET
ROBINSON & COLE LLP
HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456

Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: assignment-tm-4902-0456.pdf

Assignor

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Execution Date: Nov. 14, 2012

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: DELAWARE

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 E. STEVENS AVENUE
SUITE 202
VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Pages: 5

Date Recorded: Nov. 26, 2012

Supporting Documents: [assignment-tm-4906-0668.pdf](#)

Assignor

Name: WEBSTER BANK, NATIONAL ASSOCIATION

Execution Date: Nov. 26, 2012

Legal Entity Type: NATIONAL BANKING ASSOCIATION

**State or Country Where
Organized:** DELAWARE

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** DELAWARE

Address: SUITE 202
115 E. STEVENS AVENUE
VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: 1633 BROADWAY
NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: 91212477

Filing Date: Sep 14, 2013

Status: Pending

Status Date: Sep 14, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: JOHANNA M WILBERT
QUARLES & BRADY LLP
411 E WISCONSIN AVE, SUITE 2040
MILWAUKEE WI , 53202-4497
UNITED STATES

Correspondent e-mail: tm-dept@quarles.com , johanna.wilbert@quarles.com , david.cross@quarles.com , DRC@quarles.com , marta.levine@quarles.com , andrea.fowler@quarles.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EARTH BALANCE	Opposition Pending Plaintiff(s)	85751520	

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET , #605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com , gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE GOLD	Renewed	75854595	2636101
BALANCE	Renewed	76194400	2745850
BALANCE BAR GOLD	Section 8 and 15 - Accepted and	78409022	2999244

BALANCE BAR	Acknowledged		
BALANCE BARE	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE PURE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE	Registered	<u>77734900</u>	<u>3760265</u>
BALANCE BAR	Registered	<u>85099089</u>	<u>3937988</u>
	Registered	<u>85099106</u>	<u>4062171</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 14, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 14, 2013	Oct 24, 2013
3	PENDING, INSTITUTED	Sep 14, 2013	
4	ANSWER	Oct 10, 2013	
5	STIPULATED PROTECTIVE ORDER	Feb 18, 2014	
6	TRIAL DATES REMAIN AS SET	Feb 20, 2014	
7	P MOT FOR EXT W/ CONSENT	Apr 15, 2014	
8	EXTENSION OF TIME GRANTED	Apr 16, 2014	
9	CORRECTION TO SCHEDULE	Apr 21, 2014	
10	D EXPERT DISCLOSURES	Apr 22, 2014	
11	P REBUTTAL DISCLOSURES	May 27, 2014	
12	D EXPERT DISCLOSURES	Jun 19, 2014	
13	STIP FOR INTRO OF EVIDENCE	Aug 06, 2014	
14	TRIAL DATES REMAIN AS SET	Aug 14, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91203829

Filing Date: Feb 14, 2012

Status: Terminated

Status Date: Apr 03, 2014

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Doctor pHresh Nutritionals, L.L.C.

Correspondent Address: FARLEY I WEISS AND MARK H WEISS
WEISS MOY PC
4204 N BROWN AVE
SCOTTSDALE AZ , 85251 3914
UNITED STATES

Correspondent e-mail: kmotolenich@weissiplaw.com,gmarinelli@weissiplaw.com,tweiss@weissiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
PHRESH BALANCE	Abandoned - After Inter-Partes Decision	<u>85175388</u>	

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER ST 605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: doCKET@schroederlawpc.com,gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>

BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE PURE	Registered	<u>77734900</u>	<u>3760265</u>
BALANCE	Fifth Extension - Granted	<u>85099094</u>	
BALANCE BAR	Fifth Extension - Granted	<u>85099118</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 14, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 14, 2012	Mar 25, 2012
3	PENDING, INSTITUTED	Feb 14, 2012	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 16, 2012	
5	EXTENSION OF TIME GRANTED	Mar 16, 2012	
6	STIPULATION FOR AN EXTENSION OF TIME	May 18, 2012	
7	EXTENSION OF TIME GRANTED	May 18, 2012	
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 21, 2012	
9	EXTENSION OF TIME GRANTED	Jul 21, 2012	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2012	
11	EXTENSION OF TIME GRANTED	Aug 15, 2012	
12	STIPULATION FOR AN EXTENSION OF TIME	Oct 12, 2012	
13	EXTENSION OF TIME GRANTED	Oct 12, 2012	
14	STIPULATION FOR AN EXTENSION OF TIME	Dec 14, 2012	
15	EXTENSION OF TIME GRANTED	Dec 14, 2012	
16	NOTICE OF DEFAULT	Apr 08, 2013	
17	D MOT TO SET ASIDE DEFAULT/ACCEPT LATE ANSWER	Apr 23, 2013	
18	PROCEEDINGS RESUMED	May 17, 2013	
19	D MOT FOR EXT W/ CONSENT	Jun 10, 2013	
20	EXTENSION OF TIME GRANTED	Jun 27, 2013	
21	P APPEARANCE / POWER OF ATTORNEY	Aug 12, 2013	
22	P MOT FOR EXT W/ CONSENT	Aug 12, 2013	
23	EXTENSION OF TIME GRANTED	Aug 27, 2013	
24	D MOT FOR EXT W/ CONSENT	Nov 11, 2013	
25	TRIAL DATES REMAIN AS SET	Dec 12, 2013	
26	P RESP TO BD ORDER/INQUIRY	Dec 17, 2013	
27	EXTENSION OF TIME GRANTED	Jan 09, 2014	
28	NOTICE OF DEFAULT	Feb 07, 2014	
29	BD DECISION: SUSTAINED	Apr 03, 2014	
30	TERMINATED	Apr 03, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91197748

Filing Date: Dec 07, 2010

Status: Pending

Status Date: Dec 07, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: MARTA S LEVINE
QUARLES & BRADY LLP
411 EAST WISCONSIN AVE
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: marta.levine@quarles.com , david.cross@quarles.com , lm-dept@quarles.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Opposition Pending Plaintiff(s)	<u>77864268</u>	

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER
SCHROEDER LAW PC
110 COOPER STREET, #605
BABYLON NY , 11702
UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com, gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 07, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 08, 2010	Jan 17, 2011
3	PENDING, INSTITUTED	Dec 08, 2010	
4	ANSWER	Jan 12, 2011	
5	MOTION TO CONSOLIDATE	Jan 28, 2011	
6	CONSOLIDATED - CHILD OF 91196954	Feb 07, 2011	
7	CHANGE OF CORRESPONDENCE ADDRESS	Oct 06, 2011	
8	APPEARANCE	Nov 17, 2011	
9	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013	